

1 IN THE UNITED STATES DISTRICT COURT

2 DISTRICT OF UTAH

3 CENTRAL DIVISION

4  
5 UNITED STATES OF AMERICA, )

6 Plaintiff, )

7 vs. ) Case No. 2:16-CR-631-DAK

8 AARON MICHAEL SHAMO, )

9 Defendant. )

10 \_\_\_\_\_)

11  
12 BEFORE THE HONORABLE DALE A. KIMBALL

13 -----

14 August 12, 2019

15 Jury Trial

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24 REPORTED BY: Patti Walker, CSR, RPR, CP 801-364-5440

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## I N D E X

Witness	Examination By	PAGE
Jamie Pimental	Mr. Gadd (Direct)	55
Chris Amidan	Mr. Gadd (Direct)	60
Ryan Jensen	Mr. Gadd (Direct)	65
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Sean Gygi	Mr. Gadd (Direct)	80
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Ely Hebert	Mr. Stejskal (Direct)	138

1 SALT LAKE CITY, UTAH; MONDAY, AUGUST 12, 2019; 8:30 A.M.

2 (Proceedings not transcribed)

3 THE COURT: The government may proceed with its  
4 opening statement.

5 MR. GADD: Thank you, Your Honor.

6 Death, drugs, and money, that's why we're here.  
7 That man right there, Mr. Aaron Michael Shamo, founded and  
8 led an organization dedicated to the distribution of drugs.  
9 Mr. Shamo and his employees, they made their own drugs.  
10 They pressed together drugs, specifically drugs that were  
11 almost identical to Oxycodone. Oxycodone is a painkiller.  
12 But Mr. Shamo's fake Oxycodone contained Fentanyl. Fentanyl  
13 is a powerful synthetic opioid. Mr. Shamo sold his Fentanyl  
14 pills online. In 2016, he sold hundreds of thousands of  
15 Fentanyl pills. He made millions of dollars. And  
16 Mr. Shamo's Fentanyl killed a man. That's why we're here.

17 In the short time I have with you this morning, I  
18 want to first review the time line of this case. And then  
19 once we've done that, I want to talk to you about the  
20 evidence that you're going to hear over the next four weeks  
21 as it relates to these other topics you see on the screen.  
22 If at any point you don't see something on the screen, if  
23 you'll just raise your hand. That's true now or for any  
24 time at trial.

25 In the beginning, Mr. Shamo started selling drugs

1 with a roommate, a friend of his, Drew Crandall. That's who  
2 you see pictured there. Mr. Crandall was a junior partner,  
3 a one-third partner, meaning Mr. Crandall got one-third of  
4 the profits, Mr. Shamo got two. And they divided up their  
5 roles. Mr. Shamo was in charge of listing the drugs for  
6 sale online. He was in charge of customer service. He was  
7 in charge of order processing. He made the decision on what  
8 drugs they were going to sell and acquiring those drugs so  
9 that they could sell them. And, lastly, Mr. Shamo accepted  
10 payment for the drugs.

11 The payment for drugs bought online comes in the  
12 form of cryptocurrency, and you're going to hear about one  
13 particularly in this case. That's Bitcoin.

14 His partner, his friend, Drew Crandall, was in  
15 charge of packaging the drugs and then shipping those drugs,  
16 once they had a customer who made a purchase. And then  
17 towards the end of his hands-on involvement, Mr. Crandall  
18 worked with Mr. Shamo to develop a process and a recipe for  
19 pressing pills. Specifically they made counterfeit Xanax  
20 that looked almost identical to the ones you see pictured  
21 there.

22 But in 2015, Mr. Crandall got spooked. Two things  
23 happened. The first is his girlfriend lost her job because  
24 of her association with Mr. Shamo and Mr. Crandall. And  
25 then, second, Mr. Shamo ordered some drugs delivered to

1 their address in the name of a roommate. Those drugs got  
2 caught in the mail. The roommate was questioned by law  
3 enforcement. And that was enough for Mr. Crandall and he  
4 said I'm out. So he made plans with his girlfriend to leave  
5 the United States.

6 Mr. Shamo agreed to buy him out. They negotiated  
7 a price. Settled on 30,000. And then over the next months,  
8 Mr. Shamo worked to find replacements for his one-time  
9 partner. Together, they hired and trained these two women,  
10 Alex Tonge and Katie Bustin, to take over packaging the  
11 drugs and then shipping the drugs.

12 Later, in November of 2015, shortly before  
13 Mr. Crandall was going to fly overseas, Mr. Shamo hired his  
14 very close friend, Luke Paz, to take over pressing the  
15 pills.

16 In that same month, November 2015, Mr. Shamo went  
17 to a new website where you can buy drugs online. The  
18 website is called AlphaBay. Mr. Shamo created an account on  
19 AlphaBay so that he could be a seller. He named his  
20 account, his storefront Pharma-Master. Much of the evidence  
21 you're going to hear over the next four weeks will come from  
22 Mr. Shamo's drug sales as Pharma-Master.

23 Working together, Mr. Shamo, and his new employee,  
24 Mr. Paz, developed a process and a recipe to create those  
25 fake Oxycodone pills I mentioned, the ones that contained

1 Fentanyl. They're fakes. Looked almost identical to the  
2 real thing, like you see pictured here. Mr. Shamo sold  
3 those Fentanyl pills on AlphaBay.

4 AlphaBay kept records. So agents and analysts  
5 went back, captured as much of the records as they could,  
6 and then they put it in a table here for you. What you're  
7 looking at, if you look on the left column, that's the date.  
8 So this first page you're looking at here, this is his sales  
9 in January 2016. The next column over, you can see a first  
10 and last initial for the user name of the purchaser. Then  
11 you can see what price they paid. Each row, of course, is  
12 its own sale. Then there's a column for dose. That was as  
13 it was supplied online by Mr. Shamo. The quantity of pills  
14 that they purchased. Lastly, under the column that says  
15 sold as, this was the name Mr. Shamo gave the drugs that he  
16 was selling. So as you look down that far right column, you  
17 can see in January of 2016, most of Mr. Shamo's drug sales  
18 were his counterfeit Xanax.

19 By the end, in November of 2016, if you look in  
20 that same right column, most of his drug sales were his  
21 Fentanyl pills, and he had three different names under which  
22 he would sell his Fentanyl pills. So if you're in the far  
23 right column and you look down at the bottom, second one up,  
24 you can see there it says Fentanyl, Roxy-Oxycodone. So  
25 sometimes right in the listing he would tell his would-be

1 customers that his product contained Fentanyl. And then  
2 that next word, Roxy, that's a street name for a particular  
3 type of Oxycodone.

4 Other times he would list his drugs, but he  
5 wouldn't include Fentanyl in the title. So if you look one  
6 row up, you can see it says Roxy-Oxycodone.

7 Then the third way he would list his Fentanyl  
8 pills, if you go up six, seven rows, you see M Box 30.  
9 That's another street name for a type of Oxycodone pill, and  
10 it gets its name for how the pill is stamped when it's  
11 pressed together by the pharmaceutical company. He sold  
12 this Fentanyl in those three ways.

13 As he and Mr. Paz worked on their process and  
14 their recipe and perfected their fakes, his sales  
15 skyrocketed. By the end, you can notice in the quantity  
16 column, he's no longer selling one, ten, 100 pills  
17 exclusively. He has large orders. You can see in the  
18 middle of the page there, there's a single order for 10,000  
19 pills. The row right above that, that's the same purchaser.  
20 That purchaser on one day purchased 12,000 of the M Box 30s,  
21 Mr. Shamo's Fentanyl pills.

22 Mr. Shamo, of course, couldn't do this alone. He  
23 had the help that I've mentioned before. He had these folks  
24 working for him. But in the spring of 2016, he hired  
25 additional help. He hired this man, a close friend, someone



1 he could trust, Mario Noble, a former coworker of his, and  
2 he hired Mr. Noble to do online customer support, and then  
3 to also help with order processing when Mr. Shamo was away.

4 Mr. Shamo solicited his old friend, Drew Crandall,  
5 who was living overseas, and brought him on board in the  
6 summer of 2016 to also help with customer support as their  
7 sales continued to take off.

8 In the summer, two women, Ms. Tonge and  
9 Ms. Bustin, they started to get burned out. They would have  
10 to not only package the pills but put the postage label on,  
11 address the packages, and then they were taking it to blue  
12 collection boxes, the post office boxes that they put around  
13 the community. So Mr. Shamo hired this man, another trusted  
14 associate of his, Sean Gygi, to take over that last part of  
15 Ms. Tonge's and Ms. Bustin's role.

16 So most nights of the week, Mr. Gygi would show up  
17 at a doorstep in Daybreak, and he would pick up packages and  
18 envelopes, and then take those himself to the blue  
19 collection boxes and drop them off.

20 You're going to hear from the people that you see  
21 pictured there, starting with Mr. Paz, and then the bottom  
22 row. Mr. Shamo's organization was bigger even than this.

23 We've talked about most of the people in the  
24 middle row here. Let's take just a minute and talk about  
25 the two people on the left. So you see Gabby Noriega on the

1 far left. Mr. Shamo hired her to be the functional  
2 equivalent of his executive assistant. She would run  
3 errands, pick up groceries, grab Cafe Rio. But she was also  
4 asked to do things like buy postage, \$6,000 worth of postage  
5 at a time, so that you could make sure that Ms. Tonge and  
6 Ms. Bustin always had enough postage to keep the process  
7 running.

8           Next to her, Mr. Kenny, Chris Kenny. Mr. Shamo,  
9 most of his customers were online, but he did have a local  
10 customer, Mr. Kenny, and it was through Mr. Kenny that he  
11 got feedback early on about his fake pills. So Mr. Kenny  
12 would, for example, tell him how the pills worked in  
13 relation to a legitimate Oxycodone pill.

14           Then on the bottom row, far left, Miles Penrose.  
15 Early on, Mr. Shamo and Mr. Crandall, they were cash poor,  
16 and their friend Miles Penrose, who at the time owned part  
17 of a used truck dealership, he invested \$10,000 in their  
18 drug distribution activities. Over a period of months, they  
19 paid him back \$30,000. Mr. Penrose will also come up in  
20 this trial because he helped them launder some of their drug  
21 money, including selling Mr. Shamo his truck.

22           Then bottom row, far right, with the dyed red hair  
23 is Alex Tebbs. She had a role very similar to Ms. Noriega,  
24 but for a shorter period of time. She would buy stamps for  
25 Mr. Shamo at his request, and then get reimbursed. Then she

1 also helped him in a failed attempt to try to buy a T-shirt  
2 business. He was looking for a legitimate business through  
3 which he could launder his drug money.

4           The rest of the people you see on the bottom row,  
5 they were all package receivers. I mentioned he had the one  
6 package that came to his roommate that got caught. There  
7 was risk for Mr. Shamo any time he tried to import drugs  
8 from overseas, and specifically Fentanyl from China. So  
9 Mr. Shamo hired everyone else on the bottom row to receive  
10 packages on his behalf. And for two or \$300 per package,  
11 with no questions asked, they would turn it over to  
12 Mr. Shamo so that he could import the ingredients he needed  
13 to press his pills.

14           By the fall of 2016, Mr. Shamo, who was helped at  
15 times by Mr. Paz, spent a fair amount of his effort  
16 converting his drug money, his Bitcoin, into cash, into  
17 dollars. Most of those transactions were relatively small,  
18 but they found some Bitcoin buyers out of California who  
19 were willing to do larger transactions. The largest single  
20 transaction they engaged in, one transaction was for  
21 \$400,000.

22           By November of 2016, Mr. Shamo's days would have  
23 been largely consumed with pressing pills with Luke Paz,  
24 converting Bitcoin to cash with Paz and others, order  
25 processing, and customer service. Even though he had hired

1 Mr. Noble and Mr. Crandall, he still had a hand in it.  
2 Whenever they would run into a problem, they would flag the  
3 issue for him and he made final decisions. He had to make  
4 sure that Ms. Tonge and Ms. Bustin stayed fully supplied  
5 both on postage and on drugs so that they could keep the  
6 process running.

7 I mentioned there was some risk in importing  
8 Fentanyl from China, and that's eventually how Mr. Shamo was  
9 caught. It was this package right here that led to his  
10 arrest. Looking in now, you can see that that package is  
11 addressed to Ryan Jensen in Midvale. Ryan Jensen is one of  
12 those package receivers. You can see there it comes from  
13 China. This package came through the international mail  
14 facility in Long Beach. So that's where it hit sovereign  
15 soil here.

16 The Customs and Border Protection watches packages  
17 as they come in, and some of the officers from Customs and  
18 Border Protection checked this package. They opened it up.  
19 They found a Mylar bag. Inside that Mylar bag, a plastic  
20 bag, and inside of that, white powder. That powder was  
21 tested by a scientist at the DEA laboratory and they  
22 confirmed that it was Fentanyl.

23 The agents built up a case and an investigation  
24 against Jensen, the man whose name was on the package. And  
25 by November 1st of 2016, they had enough in their

1 investigation that they were able to apply for and then  
2 receive a search warrant. They executed the search warrant  
3 at his house. They interviewed Mr. Jensen, and he  
4 confessed. He told them that he was accepting packages on  
5 Mr. Shamo's behalf. Mr. Shamo was a friend of his.  
6 Mr. Shamo would pay him two, \$300 for every package he  
7 received. And Mr. Jensen told the investigators about other  
8 people that he suspected were doing the same thing.

9           One of those people was Sean Gygi. About a week  
10 later, at this point, agents, postal inspectors, all working  
11 together, they were watching the mail closely for any  
12 packages from China coming to Mr. Shamo's associates, and  
13 they caught this one that you see there, addressed to  
14 Mr. Gygi. With a search warrant, they opened it up. They  
15 looked inside. They saw this inner packaging, kind of the  
16 cartoon character packaging, and then inside of that powder.  
17 That was tested. It's Alprazolam. That's the  
18 pharmaceutical ingredient in the counterfeit Xanax pills.

19           At the same time period, they caught one  
20 additional package going to Mr. Gygi. Inside of it, the  
21 same packaging, the cartoon character. This one had a  
22 slightly different powder in it. Tested, and it was  
23 Fentanyl.

24           With that, agents had enough to apply for and  
25 receive a search warrant for Mr. Gygi's residence. They

1     executed the warrant, and then they interviewed him. He was  
2     hesitant at first. There was a moment in the interview  
3     where the agents told him that he had been accepting  
4     packages that contained Fentanyl, and the agents watched as  
5     his countenance changed.

6             When the interview was over, they let him go. He  
7     went home that night and thought long and hard. And the  
8     next morning he called up the agents and said we need to  
9     talk. He told them that not only was he accepting packages  
10    from Mr. Shamo but, earlier that year, he had been hired to  
11    do more. He had been hired as a runner. He told the agents  
12    about this porch in Daybreak where he would go most nights  
13    of the week and pick up boxes, and then take those boxes and  
14    put them into the mail.

15            He agreed to do two things. First, he agreed to  
16    have a conversation with Mr. Shamo and record the  
17    conversation and talk about -- Mr. Shamo paid him during the  
18    conversation, he got paid every two weeks \$2,000 -- and then  
19    to talk about their future plans. You're going to hear that  
20    recording during the trial. And then, second, he agreed to  
21    take the agents with him that night to pick up packages off  
22    that doorstep in Daybreak, the doorstep of Ms. Tonge and  
23    Ms. Bustin.

24            So they went out that night. He had missed the  
25    night before. And so when he got the packages and then

1 turned them over to the agents, there were 79 packages and  
2 envelopes, total. Here they are spread out, which you can  
3 see there is the largest boxes in the back, and the medium  
4 size boxes in the middle, and then priority mail envelopes  
5 in the front.

6 Here's looking inside one of the boxes. When the  
7 agents opened the boxes, they found Mylar bags and then an  
8 invoice. You can see that at the bottom of your screen.  
9 It's for Jamaica green coffee. It's meant to be coffee  
10 beans. Inside of the Mylar bags, plastic bags. And then  
11 the plastic bags contained pills that were confirmed  
12 Fentanyl. This one box is just shy of 20,000 pills. You  
13 can see that in the second red box there.

14 Here's looking at a couple more seized that night.  
15 More pills. You can see the addresses that these are being  
16 shipped to. This going to New York, New York.

17 Mr. Gygi took the agents out two nights later for  
18 another pickup, this time just over 40 packages and parcels.  
19 Here's one of the large boxes they got that night. This was  
20 tested. It has Fentanyl. You can see that in the red box.  
21 This other drug you see in the red box with the parentheses  
22 ANPP at the end, this is a Fentanyl precursor. So this  
23 Fentanyl is created in a chemistry lab in China and then  
24 shipped over here. The precursor wasn't fully synthesized,  
25 and the DEA tests are sensitive enough that they were able

1 to pick it up in addition to the Fentanyl that Mr. Shamo was  
2 putting inside of his pills.

3 Here's more from that second night with Mr. Gygi's  
4 help. Not all the packages were large. Here's a priority  
5 mail envelope.

6 By November 22nd, the agents had enough that they  
7 applied for and received a search warrant to search  
8 Ms. Tonge's and Ms. Bustin's residence in Daybreak. When  
9 they got inside, this is what they found. Pills all over  
10 the floor. Packaging material. You can see the name there,  
11 Uline. Uline is a company that sells packaging material,  
12 including Mylar bags. Postage, padded envelopes, priority  
13 mailboxes you can see in the pile there. A digital scale.  
14 A large stock of drugs. There's a plastic tote there full  
15 of drugs. On top of that, more bags of the Fentanyl pills.  
16 Pills on the bed. Here's their vacuum. The pills would  
17 spill on the floor. They'd just vacuum them up.

18 The drugs were taken from the residence, taken to  
19 the DEA where they were photographed, tagged, bagged, and  
20 then sent to the lab. Those drugs, what you're seeing in  
21 the picture, that's what's here in front of us. These  
22 totes, specifically the sealed totes -- you can see, for  
23 example, this one is taped around it. The sealed ones  
24 contain his Fentanyl pills, the unsealed ones, everything  
25 else.



1           This is the largest single exhibit, the largest  
2 one place where pills were gathered during this  
3 investigation. It's this one right here. That one exhibit,  
4 that one has more than 74,000 pills in it.

5           At the same time the agents were executing that  
6 warrant, another group of agents executed a warrant on  
7 Mr. Shamo's residence. He lived on Titian Way in Cottonwood  
8 Heights. Because of the strong suspicion that he was  
9 pressing Fentanyl, powdered Fentanyl inside of his home, the  
10 warrant had to be executed by agents wearing HAZMAT gear.  
11 Many agencies and local police departments were involved.  
12 For example, you get the DEA and their HAZMAT team. They  
13 were also supported by Homeland Security Investigations,  
14 Postal Inspection Service, Food and Drug Administration, the  
15 IRS as a criminal investigative team. They were helping  
16 with the financial side of the investigation. The fire  
17 department was on hand to help decontaminate, and then for  
18 rescues, if needed. The National Guard has a HAZMAT team  
19 that came out to help, and it took all the help. Here they  
20 are getting ready.

21           When they got inside, they found an old, single  
22 punch pill press, in a wood cabinet, not being used. They  
23 found a brand new industrial size pill press in a crate in  
24 the garage, which hadn't been used. They found boxes, and  
25 inside the boxes that same cartoon character packaging, and

1 then bags of powders. They found boxes and boxes of this  
2 formula 5,000. This is the ingredients going into the  
3 pills. You can see there most of it, that top line, is  
4 microcrystalline cellulose. But it also has some other  
5 ingredients. There were kilograms of it in these boxes in a  
6 closet.

7           Let me orient you on this picture. So you're  
8 looking down at HAZMAT boots, and then this is a crate using  
9 the stainless steel pry bar behind the lid of the crate.  
10 They popped open the lid. The crate looks like it has  
11 bricks inside, but that box is on its end. They pulled one  
12 out, took the lid off and set it down so you could see what  
13 was inside the box. The cylinders in that box, those are  
14 punches that go into the press. So the punches come  
15 together. And then there's a metal plate called a die in  
16 the middle that's holding the powder. The punches come  
17 together with force and it presses together the pill.

18           The tip of the punch is embossed so that when it  
19 presses together, it leaves an imprint on the pill. Those  
20 are here, and you'll get to see them.

21           Here's more, the punches on this shelf. These  
22 punches would wear out over time, which is why he was buying  
23 more and more of them.

24           In the basement they found a room that was  
25 lockable and it had a pill press running. If you look at

1 the wall, you can see the powder on the wall. Then closer  
2 up, you can see powder spilling out onto the shelf of the  
3 pill press.

4 Now looking around the room, you can see mason  
5 jars and lids on that back table. Mr. Shamo and whomever  
6 was helping him press, either Mr. Crandall before and then  
7 Mr. Paz who he hired after, they would shake up the  
8 ingredients in those mason jars. That's how they'd mix  
9 their ingredients before putting them into the press.

10 You can see dies, colors, bags of pills on the  
11 shelves. Zooming in here, you can see the white bottle with  
12 the red that says relaX. It's a lubricant for machine  
13 parts. The presses' moving parts had to be lubricated.  
14 Every time they replaced one of the punches, they would have  
15 to lubricate that before it went back in. More ingredients.

16 They took some precautions. When Mr. Shamo was --  
17 when the agents made entry into his home as part of the  
18 search warrant, he was downstairs. They called him up, and  
19 then passed him out so he could be decontaminated and then  
20 taken into custody. He had gloves and his mask on him when  
21 he came up.

22 Here's the other side of the room. That's the  
23 Fentanyl press. Looking closer, the powder, the  
24 ingredients, the binding agents, the colors, the Fentanyl,  
25 once it's all mixed up, it would go into this hopper on top,

1 and then go down through the funnel into kind of like the  
2 bowl in the middle. Then powder is moved around that bowl  
3 and the punches work. It's a rotary press, so there's lots  
4 of punches and it's running around like this. Every time a  
5 pill is punched and pressed together, it goes down the chute  
6 you can see coming down the bottom of the photo, and then  
7 into a net at the very bottom of the photo.

8           Much of what was in this room was contaminated.  
9 It was destroyed. It's hazardous. But the agents took  
10 samples. And then they also pulled out the punches so that  
11 the punch and the punched tip could be tested by the lab.  
12 The punches that came out of this press, the lab, they did a  
13 residue test on and it was confirmed Fentanyl.

14           The agents didn't stop their search there. They  
15 continued to look in places they normally look during  
16 searches, including in his dresser. In his top drawer, they  
17 didn't find clothes. In his bottom drawer, he had cash.  
18 Here's one of those stacks, for example. Cash in drawers  
19 like this one. He had a safe full of cash. \$1.2 million in  
20 cash pulled out of his home.

21           They also seized electronic devices, and much of  
22 the evidence you're going to hear over the next four weeks  
23 comes from Mr. Shamo's electronics, specifically an iMac  
24 computer, that one, and then two of his cell phones. He had  
25 an iPhone 6S and then an iPhone 7.

1           The agents worked late into the night processing  
2 Mr. Shamo's house. I mentioned that they took samples of  
3 the powders before things were destroyed. That's what you  
4 see going on here. Anytime there was evidence that could be  
5 removed from the home, it would have to be picked up by  
6 someone in their full gear, including their self-contained  
7 breathing apparatus, brought outside for decontamination.  
8 And then everything coming out of the house came to this  
9 table that you see here where agents and supervisors checked  
10 it in and then put them in the larger evidence bags.

11           Here's money, for example, coming out the house.

12           Agents worked late at this search warrant, but  
13 they also worked late based on investigation they learned  
14 from Ms. Tonge and Ms. Bustin. So at Ms. Tonge's and  
15 Ms. Bustin's search warrant, as a part of that they  
16 interviewed both Ms. Tonge and Ms. Bustin, and they too  
17 confessed. They told the agents that they were packaging  
18 and shipping these pills for Mr. Shamo; that Mr. Shamo was  
19 their boss; that he had been paying them to do it. And they  
20 told the agents that they suspected an old coworker of  
21 theirs might also be involved, Mario Noble.

22           So a couple agents went to where Mr. Noble worked,  
23 and they asked at the front desk for Mr. Noble so they could  
24 ask him some questions. The front desk told Mr. Noble that  
25 there were some special agents there to see him. So as he

1 walked up, he erased Telegram, a communication app that he  
2 had used with Mr. Shamo. He erased it off his phone.

3           Once he sat down with the agents, he also  
4 confessed. And later that night, he took two of the  
5 agents -- sat down with them, and took them online,  
6 specifically onto AlphaBay. And because Mr. Noble had been  
7 doing customer service, he had shared access to some of the  
8 Pharma-Master pages, and he was able to take them on, show  
9 them what he had been working on, and allow them to take  
10 screen shots that night so they wouldn't lose some of the  
11 evidence.

12           Ms. Tonge and Ms. Bustin, in their interviews,  
13 also told the agents one thing that gave them alarm. They  
14 said that the prior night, because Mr. Gygi was gone, they  
15 took packages to blue collection boxes. So a postal  
16 inspector raced out. Ms. Tonge and Ms. Bustin, they had  
17 described the packages. They would never put their return  
18 address on it. They would always pick one randomly off a  
19 map, and then they would make up a name for the return  
20 address line. This time the name were all the same. So  
21 they told the agents what name to look for. They told them  
22 there would be 20 packages, and the postal inspector was  
23 able to gather up all 20 before they got dispersed through  
24 the mail stream.

25           Here's a couple of those last 20. A box here,

1 Fentanyl pills. These like all the others, Fentanyl.

2           Shortly after Mr. Shamo's arrest, his friend, Drew  
3 Crandall, living overseas, notified AlphaBay, said  
4 Pharma-Master has been compromised, it needs to be shut  
5 down.

6           In January of 2017, the agents, working with now  
7 the cooperating co-conspirators and building their own  
8 investigation, had enough information to apply for and  
9 receive three search warrants to search places where Mr. Paz  
10 was known to sometimes reside. That process of searching  
11 his residences began discussions between Mr. Paz and his  
12 attorney and these agents. During that process, Mr. Paz  
13 turned over his drug money, in total, just under \$800,000.  
14 He was getting paid a percentage for every pill that he  
15 pressed.

16           In March of 2017, Mr. Shamo's parents turned over  
17 money he had left with his family, in total, just shy of an  
18 additional \$430,000.

19           Let's take a minute now and let's talk about  
20 Darknet markets. You're going to hear specifically from a  
21 special agent who, because of his training and experience,  
22 is able to offer opinions that you can consider, and he's  
23 going to talk about Darknet markets in some detail. I want  
24 to give you just the briefest overview of the evidence  
25 you're going to hear.

1           Darknet markets, that name, those were the  
2 websites where Mr. Shamo was selling his drugs. The  
3 Darknet, it's a corner of the Internet. You need a special  
4 browser, an Internet browser to get on there. And then you  
5 also need a user name and password to enter the markets.  
6 This one that you see pictured here, this is the first sort  
7 of commonly known Darknet markets, Silk Road. And Darknet  
8 markets have some characteristics in common.

9           So, for example, you can see the categories on the  
10 left of the items that are for sale. In the middle, that's  
11 going to be the featured product descriptions, so you can  
12 click on one of those and then make a purchase. And then  
13 lastly, user information on top.

14           When drugs were purchased on the Darknet, they  
15 were purchased with cryptocurrency. The cryptocurrency  
16 you're going to hear about in this case is Bitcoin.

17           This is AlphaBay, the market where Mr. Shamo was  
18 selling drugs in 2016. You can see there the URL, the  
19 address. It says AlphaBay. Then there's some nonsense  
20 letters followed by dot onion. When you think about the  
21 websites that you're going to on the Surface Web, you go to  
22 places that are dot com, or dot org, or maybe dot gov. If  
23 you want to go to a Darknet market, you're flicking for dot  
24 onion websites and you need a specific browser to get there.

25           Then on the left, these are the items for sale.



1 This screen shot is showing counterfeit items. The next one  
2 here, these are drug items for sale.

3 AlphaBay made money on every transaction on its  
4 site. It took a cut. AlphaBay had the incentive to try to  
5 increase the amount of transactions. But on the Darknet,  
6 anonymity is key, and buyers feel hesitancy to buy online,  
7 to send their Bitcoins to a vendor who's anonymous for fear  
8 they won't get their product back. So AlphaBay took some  
9 steps to try to alleviate some of the concern a potential  
10 buyer might have, and most of it had to do with feedback.  
11 In addition to feedback, AlphaBay worked as an escrow  
12 service. But for now, let's talk just about the feedback.

13 So a potential buyer could go on to AlphaBay and  
14 look at a seller. They could see that -- for example, this  
15 seller, on the number one there, had 94 percent positive  
16 feedback over the last 12 months.

17 Then if you're looking at the second arrow, number  
18 two, not only could you see the percent positive over the  
19 last 12 months, but they would break it down by one month,  
20 six months, 12 months so you could look for trends.

21 Customers would rate sellers based on their -- now  
22 if you're looking at number three -- their stealth, and what  
23 they mean by stealth is how expertly a seller packages and  
24 ships drugs to avoid law enforcement detection. Customers  
25 would also rate sellers based on the quality and the value.

1           And then lastly, number four, customers were  
2 allowed to leave comments, feedback. So you can see the top  
3 row of feedback here at the bottom, that customer wrote  
4 perfect. But it's not 2016. It's 2013.

5           Then if you look underneath that, that tells you  
6 what product they're referring to. It's Microsoft Office.  
7 You can see the price there in dollars. So they pay in  
8 Bitcoin, but AlphaBay would display it in dollars. Six and  
9 a half dollars for Microsoft Office, and the date and time  
10 of the purchase.

11           Even if a customer didn't want to type in  
12 comments, AlphaBay would still generate a row for every  
13 transaction. So if you look at the bottom two rows, those  
14 customers left no comment, but AlphaBay generates a row. So  
15 A potential buyer can see a seller's individual sales, how  
16 much they're selling, what people are paying, the date on  
17 which they're making sales. That same date, it was there  
18 for Pharma-Master, and that's how the agents created this  
19 chart that shows his sales for 2016 that you saw earlier.

20           This specifically is one of the 366 pages of  
21 feedback that the agents were able to capture for  
22 Mr. Shamo's drug sales. So let's look at just a few of the  
23 comments his customers left.

24           I heart you. I really do. Absolute perfection  
25 again. Very discreet shipping. No worry there. Product

1 looks great. Some think they feel stronger than a regular  
2 30. That's good, though. Just be careful if you don't have  
3 a tolerance. Thanks. Be back soon. Take care. Enjoy  
4 life. That customer, you can see below, they bought 100 of  
5 his Fentanyl pills, specifically the ones that he labeled  
6 M Box 30s.

7 Here's another. There is no one better to do  
8 business with. I have done thousands, and this fact is  
9 indisputable. Thank you, Pharma-Master. This person bought  
10 another hundred of his Fentanyl pills. Fantastic service.  
11 I'll be back. This person bought ten pills.

12 Agents and analysts took this feedback and the  
13 sales data, they added it all up, and from the feedback we  
14 were able to capture, Mr. Shamo sold \$2.8 million worth of  
15 drugs in 2016, more than 800,000 pills and more than 5500  
16 transactions.

17 Let's focus now just for a moment on his Fentanyl  
18 pills. Just the Fentanyl sales. Almost 3500 transactions,  
19 more than 450,000 Fentanyl pills, and he made \$2.4 million.

20 I mentioned he had the three ways of listing his  
21 Fentanyl pills. So this breaks down by how he would  
22 describe them. When he labeled it an M Box or an M Box 30,  
23 he had 871 orders, but those were larger orders. So you  
24 look at the total quantity, 210,000 pills, and just from his  
25 M Boxes, he made a million dollars.

1           When he labeled it as a Roxy -- and you can see  
2 what a Roxy looks like. It's that A215. That's the other  
3 name you'll hear it described as. When he labeled it as  
4 just a Roxy, more orders, 2200, but smaller orders. So the  
5 total quantity, 242,000 pills, and he made 1.4 million just  
6 off of Roxys.

7           Lastly, when he would put in his listing right in  
8 the title that his pills contained Fentanyl, 376 orders,  
9 just over 5,000 pills, just under \$50,000.

10           Let's talk about the evidence you're going to hear  
11 with respect to Mr. Shamo's oversight. Mr. Shamo maintained  
12 oversight even as he hired employees, including on ordering  
13 ingredients and parts. So here he's corresponding with his  
14 executive assistant, Ms. Gabby Noriega. He said, hey, did  
15 you order the stearic acid from the link I sent you? I  
16 needed it specifically from Pyro Chem Labs because they  
17 don't triple press stearic acid. He gives her the link.  
18 This is the link I sent. Did you order it from this, Pyro  
19 Chem Labs? Then she clarifies, on to the next page, yeah,  
20 I'll get you the address in a sec, but this is urgent for  
21 the stearic acid. I'm on a very large time crunch. Gabby.  
22 And then she indicates that she's made the purchase.

23           A little later in time he tells her, we need  
24 cornstarch, lactose -- he needs another bucket of lactose,  
25 and more stearic acid ASAP. Get ordering. Also half bag

1 Ziploc bags. The snack size ones. Then she's catching up.  
2 Okay. Some stearic acid should be coming like any day now.  
3 I ordered some not that long ago, I thought. How much more  
4 cornstarch do you want? Then he clarifies. Focus on  
5 lactose first. Order like 30 to 50 pounds. Then more  
6 stearic acid. We should be okay on cornstarch for a little  
7 bit.

8 He asks her a little later did you order the  
9 filler from tabletpress.com? It's a Canadian company where  
10 he's buying that microcrystalline cellulose. And then he  
11 says, to TJ Edwards. TJ Edwards is one of his package  
12 receivers, this man right here. Then he says, also when's  
13 your payday? And then to those two questions, Ms. Noriega  
14 responds not yet just because you said you would check to  
15 make sure that was right and I didn't hear back from you.  
16 And then when's payday? It was Sunday. Okay. You've got  
17 to remind me of these things, LOL. This month's been crazy.

18 Mr. Shamo was also in charge in ordering parts,  
19 specifically the dies and the punches. So he got an e-mail  
20 from a Chinese manufacturer. They indicated they got his  
21 e-mail at the Aliexpress store, and asked if he was  
22 interested in good A215 or good Xanax replica dies. And  
23 when they say dies, they mean not just the dies but the  
24 punches. He responds, sounds good. I would like both made.  
25 And then asks do you accept Bitcoin as payment? I'd like

1 you to get started immediately. And then he clarifies the  
2 type of press that he's using. They tell him that they  
3 cannot accept Bitcoin. They only accept Western Union and  
4 wire transfers. Then they confirm, do you want to order the  
5 A215 and the Xanax replica dies? Then they talk about the  
6 specifications for his press. They work it out. He  
7 indicates that the MoneyGram will be coming in his name, but  
8 the dies, the punches, they need to be sent to Julian  
9 Mausia, this man right here, another one of his package  
10 receivers.

11           There was evidence found in Mr. Shamo's devices  
12 about payments he made to China. This is \$2100. That's for  
13 Fentanyl. This is a money gram, \$1400, going to China.  
14 Then \$1100 also going to China. Mr. Shamo maintained  
15 oversight on quality control, how much Fentanyl. And how  
16 did Mr. Shamo figure out how much Fentanyl to put inside his  
17 pills? Research. This was found on his computer.  
18 Something he found online. You can see there it's a  
19 comparison. It compares, among other things, Oxycodone and  
20 Fentanyl.

21           I mentioned that he was getting feedback from this  
22 local dealer. Mr. Shamo had a note in one of his phones.  
23 The date on it is February of 2016, so right when he's in  
24 the process of creating and perfecting fake Fentanyl pills,  
25 and at the bottom of that note, this is what he wrote -- or

1 copied. Okay. So these are the best so far. They smoke  
2 perfect and they snort and slide. Slide means how it is  
3 traced along aluminum foil as they smoke it, heat it up from  
4 the bottom. The color being speckled won't fly so that  
5 needs to be fixed, but you already knew that. My boy smoked  
6 two in a row and barely got high. So a bit stronger is  
7 going to be a must, bro. But all in all these are f'g close  
8 to being money in the bank, man. You did it, bro.

9           Mr. Shamo's oversight over quality control  
10 continued. This is February of 2016. Even by the end,  
11 November of 2016, they are still having issues with quality  
12 control. Here's customer service, Mario Noble. He says to  
13 Mr. Shamo, his boss, you hearing complaints on the recent  
14 batch? Mr. Shamo: No. Batch of what? I haven't read  
15 messages all week. Noble: Got a couple of complaints about  
16 the M Box 30s it looks like. So Mr. Shamo says sticky them.  
17 That means flag it for me so it won't go down in the chute.  
18 I'll look at it tomorrow -- or I'll look at them tomorrow.

19           Then a little later in November, the other  
20 customer service agent at this point, Drew Crandall, tells  
21 Mr. Shamo, getting complaints about the last batch of  
22 M Boxes from before vacation. Are making people sick. Only  
23 halfway through messages and I already have four people  
24 saying stuff about it. Then he asked his boss, should I  
25 just tell them to suck it up or should we reship 50 percent?

1 Mr. Shamo in response, partway through that first line,  
2 yeah, let's do a 50 percent reship for those guys. Just  
3 give a pill count for reships that go out so I can keep  
4 track.

5           Then he changes subjects. He says, also Sean is  
6 my runner for mail. So he's just revealed a member of his  
7 organization to another member. I haven't heard a response  
8 from him since yesterday. And the Sean he's referring to is  
9 Mr. Gygi. If you still talk to him -- because Mr. Gygi and  
10 Mr. Crandall knew each other from before -- can you reach  
11 out and see if he's okay. You look at the date on that  
12 message, November 18th. The day prior was the date Mr. Gygi  
13 met the agents. But the night of the 17th is when Mr. Gygi  
14 was thinking long and hard about what he should do. The  
15 morning of the 18th is when he agreed to cooperate. And the  
16 night of the 18th was the first night he took the agents  
17 along to collect the pills.

18           Mr. Shamo kept oversight over customer service and  
19 order processing, even though he had people helping him. He  
20 had to train them. So, for example, Mario Noble asked, yo.  
21 Roxy just means replica Oxycodone, right? Mr. Shamo: Mine  
22 does, yeah. I only sell replica. Yeah. But Roxys are an  
23 official drug, right? The R just means it's a replica? No.  
24 Roxy is a real drug made from real Oxycodone. Mine are made  
25 with a substitute. His substitute was Fentanyl. Mr. Noble:



1 Oh, okay.

2 I mentioned that agents seized his electronic  
3 devices, including the iMac. From the iMac, agents were  
4 able to find 1984 pages of orders. So whomever was doing  
5 order processing, usually Mr. Shamo, sometimes Mr. Noble,  
6 they would take the orders that came in online and then they  
7 would create this document. It's a text file. You see the  
8 dotted dashed lines there? Each block there is an  
9 individual sale. So they would copy in the top four rows  
10 from AlphaBay. And then a buyer, when they made a purchase,  
11 they would have to submit that name and address to which  
12 they wanted their pills sent.

13 The order processor, Mr. Shamo usually, but  
14 Mr. Noble when he was helping, would copy that information  
15 from the buyer, put it in the text file, and this document,  
16 the daily order sheet, was encrypted and sent to Ms. Tonge  
17 and Ms. Bustin, and they would work right off this document  
18 to package the pills. So they knew what a buyer wanted, how  
19 much they wanted, what address they wanted it sent to, and  
20 then those pills would go out in the mail. From these 1984  
21 pages that were taken from Mr. Shamo's computer, the agents  
22 were able to plot by ZIP code everywhere he sent drugs in  
23 2016. Every dot on that map is a ZIP code to which  
24 Mr. Shamo and his employees sent drugs.

25 Let's talk about money. I mentioned that

1 Mr. Shamo spent a fair amount of effort converting his  
2 Bitcoin, his drug money, into cash that he could spend and  
3 use. Here's one of many examples you're going to see  
4 through the trial. So at the top, that's Mr. Shamo in the  
5 blue. He says, hey, it's airshamo4 from localbitcoins.  
6 Airshamo4 is his user name. Localbitcoins is a website that  
7 brings together people who want to buy and people who want  
8 to sell Bitcoin. Mr. Shamo says, I'm finally feeling above  
9 water. Can you meet around 5:30? His potential buyer says,  
10 yeah, I can do that. Give me an address. Mr. Shamo,  
11 Starbucks, Cottonwood Heights. Buyer says that sounds fine.  
12 I'll be there. They both get caught in traffic.

13 Now moving to the next page, the buyer arrives and  
14 then Mr. Shamo arrives. He says, sorry, traffic got me too.  
15 Buyer says, all good. I'm on to the couch. Mr. Shamo:  
16 Thanks. I'm getting off the freeway now. See you in a  
17 second. That next message, the one that starts 1HBE2Q,  
18 that's the buyer sending Mr. Shamo the wallet address he  
19 wants Mr. Shamo to send Bitcoins to.

20 And all apparently goes well because eight days  
21 later, the buyer reaches out to him again and says, hey, do  
22 you have any more coins to sell. He's looking to buy around  
23 5,000. Mr. Shamo says, I'm getting my car fixed. If not  
24 tonight, tomorrow. Then the buyer says, okay. Just let me  
25 know when you find out. How much do you have available you

1 could sell? Mr. Shamo writes, 15k. I'll have more next  
2 week.

3 All of Mr. Shamo's efforts to cash out Bitcoin  
4 resulted in \$1.2 million in his house. It's all drug money.  
5 There's Mr. Shamo's 1.2 million as it's going into the bank  
6 at Loomis. The \$430,000 turned over by his parents, all  
7 drug money. Mr. Paz's cash, \$800,000, all money.

8 Mr. Shamo purchased this truck from his friend, an  
9 early investor, Miles Penrose. Paid for it with drug money.  
10 He bought silver bars. You can see right there. He used  
11 Bitcoin to pay for it. He didn't even have to exchange it  
12 into cash in order to buy his silver bars.

13 Mr. Shamo was still holding cryptocurrency,  
14 specifically Bitcoin, at the time of his arrest. To date --  
15 and it's not finished, but to date the agents have  
16 identified and seized from Mr. Shamo's accounts 535 Bitcoin.  
17 On the date of his arrest, a Bitcoin was worth almost \$750.

18 Mr. Shamo had to pay wages to his employees.  
19 Sometimes for Mr. Crandall, he would pay him in Bitcoins  
20 since Mr. Crandall was overseas. But he got late on one of  
21 his payments and so Shamo went himself to deposit money into  
22 Mr. Crandall's account. That's what you see on the picture  
23 there. He put \$2700 in Mr. Crandall's account as payment  
24 for his work doing customer service.

25 Then Mr. Shamo used this drug money to support his

1 lifestyle. He, with friends, bought a boat and a truck to  
2 pull it. Here he is in his boat on the lake with Paz. He  
3 bought an 88-inch TV, a \$2,000 bedroom set. Took trips.  
4 This is a beach in California. He also went to spring break  
5 in Mexico. Multiple trips to Las Vegas. On a cruise with  
6 Luke Paz and their girlfriends. Fine wine. Port calls.  
7 All of it was paid for with drug money.

8           You're going to hear from several of the people on  
9 the screen. It's anticipated that you're going to hear from  
10 Mario Noble. He's going to tell you that Mr. Shamo hired  
11 him, that Mr. Shamo trained him, that Mr. Shamo paid him,  
12 that Mr. Shamo was his boss.

13           You're going to hear from Luke Paz. He's going to  
14 tell you Mr. Shamo hired him. Mr. Shamo and Mr. Crandall  
15 trained him, that the two of them worked together, that they  
16 had an agreement that he would get a percentage of the price  
17 for each pill that he pressed, and that Mr. Shamo paid him,  
18 and Mr. Shamo was his boss.

19           You're going to hear from Drew Crandall. He's  
20 going to tell you in the beginning he was a junior partner  
21 with Mr. Shamo, but Mr. Shamo bought him out. And when he  
22 came back, he was an employee doing customer service online  
23 overseas. Mr. Shamo paid him. Mr. Shamo was the final  
24 decision maker.

25           You're going to hear Ms. Tonge and Ms. Bustin.

1 They're going to tell you that they were initially recruited  
2 by Mr. Shamo and Mr. Crandall. And once Mr. Crandall left,  
3 Mr. Shamo was the boss. Mr. Shamo paid them. Mr. Shamo  
4 either brought them postage or sent them Bitcoins so they  
5 could purchase postage. Mr. Shamo kept them supplied with  
6 drugs. And Mr. Shamo and his employees would give them the  
7 daily order sheets so they would know to whom to send the  
8 drugs.

9           You're going to hear from Mr. Gygi. He was a  
10 package receiver before. After his friend, Mr. Crandall, is  
11 gone, Mr. Shamo approaches him about taking a larger role.  
12 He recruits him to be the runner, the courier. Mr. Shamo  
13 paid him. Mr. Shamo had plans with Mr. Gygi to expand his  
14 role in the organization.

15           It's also anticipated you'll hear from Mr. Jensen.  
16 Mr. Jensen's package was the first package caught, the  
17 package that led to Mr. Shamo's arrest. He's going to tell  
18 you that Mr. Shamo paid him. He considered Mr. Shamo a  
19 friend. And he received those packages on Mr. Shamo's  
20 behalf.

21           You'll also hear from this woman, Jessica Gleave.  
22 She's going to talk about the packages that she and her  
23 boyfriend, next to her, Julian Mausia, received at  
24 Mr. Shamo's request, on his behalf, and that he paid them  
25 two, \$300 per package for every package they received.

1           You saw our witness list Friday. The only thing I  
2 wanted to mention about it is we have some witnesses who,  
3 because of their education, their training, or experience,  
4 they have the ability to offer an opinion that you can  
5 consider. For example, this special agent will be the one  
6 that talks about the Darknet, and cryptocurrency, and the  
7 types of encryption they used. These other witnesses  
8 underlined in yellow, they're similar.

9           You're going to hear from computer forensic  
10 witnesses, scientists and chemists from two different  
11 laboratories. They're going to talk about what was in the  
12 pills and how good the fakes were.

13           You're going to hear from a doctor, a Ph.D, with  
14 the Food and Drug Administration who was part of the team  
15 that reviewed Fentanyl for use in hospital settings, and  
16 he'll talk about some of the dangers of Fentanyl.

17           Then lastly, the three on the right. Dr. Thomas  
18 Rogers performed an autopsy. Bill Posey, below him, helped  
19 Dr. Rogers with toxicology analysis. Then lastly,  
20 Dr. Stacey Hail, who is a forensic pathologist, and I'll  
21 talk about her in just a moment.

22           Let's finish now talking about Mr. Shamo's  
23 customers. Mr. Shamo sold his drugs to other drug dealers.  
24 This is a sale for 5,000 of his Fentanyl pills. That  
25 purchaser is a drug dealer. Another 5,000, 10,000, 20,000

1 of the counterfeits.

2 Let's talk about one drug dealer in particular  
3 that you're going to hear more about in this case. His user  
4 name was Trustworthy Money. Here's 10,000 pills to  
5 Trustworthy Money. Another 10,000 sold by Mr. Shamo to  
6 Trustworthy Money. Another 10,000. Here's Trustworthy  
7 Money and the daily order sheets that we've talked about  
8 that, when Mr. Noble was helping, Mr. Noble would create.  
9 Trustworthy Money sends a message, it says, fifth row down,  
10 I messaged you about getting 2k extra pills if I buy this.  
11 So 12,000 total. You said to let you know so you could let  
12 the shipping team know. Please let them know. Thank you.  
13 I really appreciate it. As soon as it's marked ship, I'll  
14 partially release 35k. By that he means the money is in  
15 escrow at AlphaBay and he'll release it to Mr. Shamo as soon  
16 as Mr. Shamo marks that it shipped.

17 Mr. Trustworthy Money gives Pharma-Master the name  
18 and address he wants his pills shipped to. He also uses a  
19 package receiver. So that's not him. That's a real person,  
20 Alivia Luckcuck, and then her address. Trustworthy Money is  
21 this guy. His real him is Jared Gillespie. He's fanned out  
22 \$100 bills in front of him. He has a money counter. You'll  
23 notice on the table over here, Mr. Shamo has two money  
24 counters.

25 Mr. Shamo sold to drug dealers. He also sold to

1 drug users, and there's one I want to talk about now.

2           These two orders go to the same user. So when  
3 you're looking at this, you can see the sales information  
4 from AlphaBay. Second row, all the way to the right, it  
5 says to and then T-W-A-D. That's the user, Twad. You can  
6 see the name and address that that user wanted the pills  
7 sent to. And then for that top order, that's ten pills.  
8 The listing is for one pill. The quantity is ten. So  
9 that's ten pills. It's going to 3 Midvale Drive in Daly  
10 City, California. Daly City is a suburb of San Francisco.

11           The second order, on the bottom now, is in June,  
12 specifically June 6th, 2016. Same user, same shipping  
13 address, also for ten pills. The package that contained  
14 those ten pills was tracked. So postal inspectors were able  
15 to tell that it shipped out of Utah on June 9th, 2016, and  
16 arrived at 3 Midvale Drive in Daly City on June 11th.

17           That address, 3 Midvale Drive, had these three  
18 people at it. The guy in the middle, that's Gregory Lee,  
19 whose name was on the shipping request. To his left, with  
20 the funny sunglasses, that's Ruslan Kluyev, but his friends  
21 called him Russ. And then the woman here, Ms. Tori Grace,  
22 is Greg Lee's girlfriend. Mr. Lee, Russ, they're roommates.  
23 Ms. Grace sometimes would spend the night there with them.

24           I mentioned that the package arrived June 11th,  
25 2016. The very next night, June 12th, Greg and Tori arrived



1 home after eating dinner with Greg's family, and they found  
2 Russ -- he was there to meet them. It was clear he had been  
3 drinking. They went into his bedroom to hang out with him  
4 for a little while. They watched Russ, their friend, crush  
5 up two blue pills that they knew were Fentanyl. He crushed  
6 them up with that battery. They watched Russ, their friend,  
7 snort those pills using the rolled up sticky note you see  
8 there. They watched as their friend Russ started exhibiting  
9 the effects almost immediately. Russ laid down on his bed  
10 and asked Tori and Greg to check on him that night.

11 Fentanyl is an opioid. Opioids are central  
12 nervous system depressants. Taken too much and you shut  
13 down.

14 Greg and Tori were nervous. They checked on him  
15 several times that night before they went to bed. The last  
16 time going in to check on him, Tori watched as her  
17 boyfriend, Greg, rolled their friend into the recovery  
18 position. It's a way to arrange a body so that if someone  
19 unconscious were to vomit, they won't asphyxiate.

20 Tori thought that Russ's breathing was slowing,  
21 but Greg dismissed it. The following morning, Tori got up  
22 and went to work. It was while she was at work that she  
23 found out that Russ was dead.

24 Police were called. An investigation began.  
25 Here's his bed. You can see his glasses. There's Russ.

1 You can see the desk behind him where the battery and the  
2 sticky note were. Then just inside of that door, there's a  
3 garbage can. On the top of that garbage can, there's a  
4 priority mail envelope, and that envelope came from Utah.

5 An autopsy was ordered. A toxicology analysis was  
6 part of that autopsy. They looked at what was in his blood  
7 at the time of Russ's death. They found that he had alcohol  
8 on board. He was negative for cocaine, but he did have  
9 cocaine metabolite and a cocaine cutting agent. But then at  
10 the bottom there, you see that he had Fentanyl in his  
11 system.

12 Dr. Stacey Hail, she's a medical doctor. She  
13 still works in an ER. She teaches, and then she studies how  
14 drugs and classes of drugs affect the human body in an  
15 overdose. She reviewed Russ's case. She's going to take  
16 the stand in this trial and she's going to tell you that  
17 having reviewed it, and based on her training and  
18 experience, and her education, it's her opinion that  
19 Fentanyl was the but for cause of Russ's death. Meaning but  
20 for the fact that he ingested the Fentanyl that night, he  
21 wouldn't have died.

22 Death, drugs, and money, that's why we're here.

23 At the conclusion of this case, after you've heard  
24 all of this evidence and much more, one of my partners on  
25 the case, Mr. Vernon Stejskal here, is going to stand up in

1 front of you and ask you to return a verdict of guilty to  
2 every count. That will be the only verdict that's  
3 consistent with the evidence.

4 Thank you.

5 THE COURT: Thank you, Mr. Gadd.

6 Want to take a break before your opening?

7 MR. SKORDAS: It's up to you, Your Honor. I'm  
8 ready to go. I won't be quite as long, but a break might be  
9 in order.

10 THE COURT: We'll be in recess until five or ten  
11 after ten.

12 (Jury excused)

13 (Recess)

14 THE COURT: Ready to proceed?

15 MR. SKORDAS: Yes, Your Honor.

16 THE COURT: Get the jury.

17 (Jury present)

18 THE COURT: Mr. Skordas, you may proceed with your  
19 opening statement.

20 MR. SKORDAS: Thank you, Your Honor.

21 Counsel, members of the jury, before I start, I  
22 want to introduce someone that you missed on Friday, and  
23 that's our colleague Daryl Sam, who did get his daughter  
24 successfully married off, and he'll be here for the balance  
25 of the trial.

1 I'm going to start by saying something that I  
2 don't recall saying in opening statements before and it  
3 might come as a surprise to some of you, but one of the  
4 parting remarks that counsel made in his opening is that in  
5 a couple of weeks, one of his associates is going to get up  
6 and ask you to find Aaron Shamo guilty on these counts.  
7 We're going to agree with some of that. We think that the  
8 evidence will support that he's guilty of some of these  
9 counts. That might come as a surprise.

10 We think the evidence will support the notion that  
11 he's guilty of many of these counts, that he was involved in  
12 this drug ring, that he participated in the drug ring, and  
13 that he should be held responsible for that. And he has  
14 maintained that from the beginning and will maintain that in  
15 the next three weeks before you.

16 There are a couple of things -- Elizabeth, if you  
17 could help me. You're ahead of me -- that we don't agree  
18 with in terms of the government, and when you listen to the  
19 evidence, listen closely to some of these concepts because  
20 Aaron Shamo did not cause the death or create the death of  
21 another individual. Aaron Shamo is not, as the evidence  
22 will show, the kingpin of a large drug organization. And  
23 the government will no doubt prance this diagram in front of  
24 you repeatedly during this trial, and we invite that. In  
25 fact, we would ask that you look at it in a little bit

1 different way.

2 Count 1 of the information that you'll hear is the  
3 one that is sort of a kingpin count, if you will. It  
4 requires that the government show that he was a leader, that  
5 he was a mastermind, that he was the kingpin, if you will,  
6 of this organization. And that's what they intend to prove  
7 is, based on their understanding of what's going on, that  
8 he's at the top and all these other folks down here at the  
9 bottom, they work for Aaron Shamo.

10 Counsel has indicated that he's going to call some  
11 witnesses, most importantly, and maybe in the beginning  
12 here, Drew Crandall. When you hear from Drew Crandall, here  
13 are some things you're going to learn, that he worked for  
14 eBay customer service in IT; that he has a background in  
15 computers and IT support; that he studied mechanical  
16 engineering in college; that at the time after that he was  
17 in debt to the tune of \$45,000; and that while he was in  
18 college, he began selling his own prescription medication to  
19 individuals, his own Adderall; that he got involved in the  
20 manufacturing and shipping of pills to make money to pay for  
21 his significant college debt.

22 He helped establish the online marketplace and  
23 shipping procedures for this group. He's knowledgeable in  
24 Bitcoin. He took the proceeds from drug sales and traveled  
25 around the world with his fiancée. He trained Luke Paz to

1 act as his replacement, and that he was still receiving,  
2 accessing, and using proceeds from this as late as  
3 April 2017. He was arrested in May 2017 when he returned to  
4 get married in Hawaii. What's the significance of that?

5 The significance of that, members of the jury, as  
6 you'll hear, is that in April of 2017, Aaron Shamo had been  
7 in jail for five months. He's there today. He'll sleep  
8 there tonight. And he's been there every day since  
9 November 22nd of 2016, every day.

10 When Drew Crandall is receiving access and using  
11 proceeds in April 2017, the evidence will show he certainly  
12 wasn't doing it with the direction, or help, or assistance  
13 of Aaron Shamo because he was in the Weber County Jail.  
14 When Drew Crandall was arrested in May of 2017 to get  
15 married in Hawaii, Aaron Shamo was in the Weber County Jail,  
16 not directing anything or anyone.

17 Drew Crandall, you will learn, members of the  
18 jury, through his own testimony and those of the agents,  
19 lied when he was interviewed by the agents about his  
20 involvement, lied about his assets to the investigators when  
21 he was questioned about what he had done here.

22 You'll learn a concept that you've probably all  
23 understood since high school, which is plea bargaining.  
24 You'll learn that Mr. Crandall plea bargained this case. He  
25 pled guilty to three counts. Aaron Shamo, as you know,

1 members of the jury, is charged with 13. He pled to  
2 conspiracy to distribute Fentanyl, Alprazolam, and  
3 conspiracy to commit money laundering. He was never charged  
4 with the continuing criminal enterprise count, the kingpin  
5 count, if you will. And he agreed to plead guilty in order  
6 to avoid any risk of being convicted of a death resulting  
7 count.

8 Counsel told you that you'll be hearing from Luke  
9 Paz, and that's true, and here's what you'll learn from Luke  
10 Paz. He became friends with Aaron Shamo through a group  
11 called Mario Kart 64, and you'll learn what that means, and  
12 basically replaced Drew Crandall while he was traipsing  
13 around the world with his girlfriend. He ordered and  
14 received a pill press. He developed the formula for making  
15 the Fentanyl based drugs and kept it in his possession. He  
16 kept a ledger of his manufacturing of Fentanyl based drugs,  
17 and paid himself with Bitcoin and currency exchanges -- the  
18 organized Bitcoin currency exchanges. He was arrested in  
19 April of 2018, after Aaron Shamo had been in custody for  
20 over 18 months. Luke Paz will come in probably through that  
21 back door. He hasn't spent a day in jail. And when he was  
22 arrested, he had \$800,000 in cash and 32 and change in  
23 Bitcoin.

24 You'll learn that Luke Paz, when he was questioned  
25 by investigators for the government, lied about his

1 involvement, lied about his assets. And he was allowed to  
2 plead guilty to two counts of knowing and intentional  
3 adulteration of drugs while held for sale, Fentanyl, and  
4 conspiracy to commit laundering. He was never charged with  
5 a serious death resulting count. He was never charged with  
6 a serious kingpin count, the continuing criminal enterprise.

7 Counsel told you that you'll hear from Sean Gygi.  
8 That's true. But here's what you'll hear about and from  
9 Sean Gygi, that he worked at eBay with Drew Crandall and  
10 Aaron. He delivered pills to Ms. Bustin and Ms. Tonge --  
11 who we'll talk about in just a minute -- for packaging. He  
12 received pills from those same two women and delivered them  
13 to different addresses. He received at least \$4,000 a  
14 month, had packages and drug manufacturing materials  
15 delivered to his home on multiple occasions, and made \$300  
16 for every package delivered to his home.

17 What did he do? He lied to the investigators when  
18 he was questioned. He lied about his assets. He lied about  
19 his involvement in this enterprise. And he was allowed to  
20 plead guilty. He was allowed to plea bargain to conspiracy  
21 to distribute Fentanyl, Alprazolam, aiding and abetting in  
22 the importation of a controlled substance, and the use of  
23 mail in furtherance of a drug offense. He too, like  
24 everyone else, except Aaron Shamo, was never charged with a  
25 continuing criminal enterprise count, and he agreed to plead



1 guilty to avoid the death resulting count.

2 Counsel told you about Mario Noble, who you will  
3 also hear from. Mario Noble has got a little more  
4 involvement in some things. He's trying to run his own  
5 business. He became involved in this organization through  
6 Drew Crandall's friend, Sasha. He opened his own  
7 marketplace on the Internet to sell candy laced with drugs.  
8 He tried online marketplace of his own, was making at least  
9 \$3,000 a month in salary, had access to the entire  
10 Pharma-Master page on AlphaBay, and dealt with every aspect  
11 of customer service. He had the ability to manage money  
12 coming and going from the Pharma-Master account and dictated  
13 his own hours and schedule.

14 What did he get? Conspiracy to distribute  
15 Fentanyl and Alprazolam. Never charged as a leader,  
16 organizer. Agreed to plead guilty to avoid the death  
17 resulting count.

18 Ms. Bustin and Ms. Tonge, you've heard quite a bit  
19 about them. You'll see them all on this chart here. I  
20 won't go through every one. They also worked at eBay with  
21 Drew and Aaron. They packaged and prepared drugs for  
22 shipping. They made their own schedule. They requested  
23 more jobs and money on multiple occasions. They made at  
24 least \$2,000 a month and upwards of \$3500 a month for  
25 packaging. And when they were arrested, members of the

1 jury, they had 75,000 Fentanyl pills in their home.

2           They were questioned by investigators in this  
3 case. They lied about their involvement. They lied about  
4 their assets. They pled guilty to conspiracy to distribute  
5 Fentanyl, Alprazolam, possession of Fentanyl with the intent  
6 to distribute, the use of the U.S. Mail in furtherance of a  
7 drug trafficking offense, and conspiracy to commit money  
8 laundering. Again, they were never charged with a  
9 continuing criminal enterprise, leadership role, and they  
10 agreed to plead guilty to avoid the death resulting count.

11           Jessica Gleave, offered full immunity from any  
12 future prosecution. Nothing. Pled guilty to nothing.

13           Ryan Jensen, who you'll hear from today, offered  
14 full immunity from any future prosecution.

15           Although in a criminal case in America the  
16 defendant doesn't need to testify, you'll hear from Aaron.  
17 You'll hear from his family members. And you'll hear from  
18 his -- by family members, I mean his mother and sister. And  
19 here's what you'll learn about Aaron, that he's learning  
20 disabled, he had severe ADHD, and a processing disorder;  
21 that he was roommates after college with Drew Crandall; and  
22 that in college, like Drew Crandall, he began selling his  
23 own prescription medication along with Drew.

24           He was arrested November 22nd, 2016, awaiting  
25 trial, and has been sitting in jail since that day. Longer

1 than all the other people in this chart combined.

2           When he gets arrested, there are no Fentanyl pills  
3 found in his home. Never in possession of the formula for  
4 possessing Fentanyl. Importantly, members of the jury, he  
5 was never interviewed by the investigators in this case.  
6 And as you'll see, some of the co-defendants and some of the  
7 people that will be testifying -- as you'll hear I should  
8 say, will tell you that Aaron just wasn't capable of  
9 organizing or running an organization like this without  
10 substantial assistance.

11           The government, early on in this case, November of  
12 2016, created this chart. It's about a three-year-old  
13 chart. And their argument this morning is that Aaron  
14 founded and led this organization. Their argument this  
15 morning and their statements are that he was the leader of  
16 this. And counsel said Aaron did this, and Aaron directed  
17 that, and Aaron did this, and Aaron was in charge of that.  
18 But when you listen to the evidence, you'll find that that's  
19 not the case. When you hear the witnesses testify, you will  
20 see that that was not the case.

21           It's an unfortunate role that we play as defense  
22 attorneys in a criminal case because we have to wait until  
23 the government puts his case on. That's just the way it  
24 works in America. It's worked for hundreds of years. But I  
25 would ask you, members of the jury, to withhold judgment on

1 this case until you've heard the entirety of the evidence.  
2 I would ask you to not form an opinion today or tomorrow,  
3 certainly not based on the statements of counsel this  
4 morning, but to wait until you hear all the evidence.

5 Wait until you see the big picture -- which has  
6 now disappeared -- because what you'll see is that Luke Paz  
7 pressed 480,000 Fentanyl pills. He has not spent any time  
8 in jail. He cut a plea deal.

9 Drew Crandall, still benefiting from drug sales,  
10 as I indicated, as late as April 2017, he cut a plea deal.

11 Mario Noble started his own drug marketplace,  
12 which failed. He's not in jail. He cut a deal.

13 Ms. Tonge, found with nearly 75,000 Fentanyl  
14 pills, she's not in jail. She cut a deal, as did her  
15 associate, Ms. Bustin -- by the way, I have their names  
16 backwards here -- who also cut a deal. Never went to jail.

17 Mr. Gygi derives substantial income from  
18 importation and shipment of illegal narcotics. Not in jail.  
19 Middleman between multiple parties. Not in jail. Cut a  
20 plea deal.

21 The only person on trial, members of the jury, is  
22 Aaron Shamo. The only person who is left standing, if you  
23 will, is Aaron Shamo. The reason for that, as you'll see,  
24 is that the government decided early on that he was somehow  
25 the kingpin of this organization and his head needed to

1 roll.

2           We've told you earlier -- I've told you earlier  
3 that he will admit to his conduct here, and we will agree  
4 with Mr. Stejskal in our closing that he should be convicted  
5 of some of these counts, but not all of them. He didn't  
6 have a plea deal, and he was never interviewed by  
7 investigators.

8           This is a trial that is scheduled to go about  
9 three or four weeks. I believe it could be a little bit  
10 less than that. I don't think this trial is going to take  
11 that long. I say that because Aaron's owning what he did.  
12 And we can flash all the styrofoam or plastic containers in  
13 front of you all and bounce them around, but we know what  
14 they are. We'll agree to what they are, and we'll agree to  
15 how they came into possession of certain individuals. We'll  
16 agree how the government got these. But the evidence will  
17 not establish, members of the jury, that Aaron Shamo caused  
18 the death of another or that he was the organizer, leader,  
19 mastermind of this organization. Just the opposite.

20           So please keep an open mind. Keep from forming a  
21 final opinion until you hear all the evidence, and that  
22 might be a couple of weeks from now. Remember the  
23 instructions that the Judge has given, instructions about  
24 the presumption of innocence, because in America, in 2019,  
25 an accused is presumed innocent until the government

1 establishes proof beyond a reasonable doubt to each and  
2 every element of the offense.

3           Keep in mind, as the Judge instructed you this  
4 morning and will instruct you again, that the government  
5 carries the burden of proof. The defense doesn't have to  
6 put on any evidence at all, even though we will. Keep in  
7 mind, members of the jury, as the Judge has instructed you  
8 and will continue to instruct you, that unless and until you  
9 find beyond a reasonable doubt each and every element of  
10 those offenses, you have a legal and moral obligation to  
11 find Aaron Shamo not guilty. And at the end of the day, at  
12 the end of the month, at the end of the trial, that's what  
13 the evidence will show.

14           Thank you.

15           THE COURT: Thank you, Mr. Skordas. The  
16 government may call its first witness.

17           MR. GADD: Thank you, Your Honor. The United  
18 States calls Officer Jaime Pimentel.

19           THE COURT: Come forward and be sworn right here  
20 in front of the clerk of the court.

21                           JAIME PIMENTEL,

22                           Having been duly sworn, was examined

23                           and testified as follows:

24           THE CLERK: Come up to the witness box.

25                           If you could please state your name and spell it

1 the record.

2 THE WITNESS: Jaime Pimentel. J-a-i-m-e,  
3 P-i-t-e-n-t-e-l.

4 THE COURT: You may proceed, Mr. Gadd.

5 DIRECT EXAMINATION

6 BY MR. GADD:

7 Q Good morning. How are you?

8 A Good.

9 Q Are you prepared to talk this morning about your part  
10 in the investigation of a drug package that's linked to this  
11 defendant over my shoulder here, Mr. Shamo?

12 A Yes, I am.

13 Q Before we do that, I'd like to give the jury just a  
14 brief summary of your background and experience. Can you  
15 tell us a little bit about yourself?

16 A Yes. I'm a U.S. Customs and Border Protection Officer.  
17 I've been doing that for about 18 years, and mainly dealing  
18 with the interdiction of parcels that contain everything  
19 from counterfeit merchandise to live cobras, and narcotics.  
20 We see it all.

21 Q Where is it that you work?

22 A I work at the international mail facility in Torrance.  
23 It's one of six mail facilities throughout the country where  
24 shipments from all over the world arrive.

25 Q And Torrance, I suspect most know, but Torrance is --

1 A Los Angeles, California.

2 Q Let's talk for a minute about a Fentanyl mail package.

3 Do you recall the very first package of Fentanyl from China  
4 that you caught?

5 A I do.

6 Q Approximately when did you catch it?

7 A June of 2016.

8 Q When you caught the package, what did you do? Can you  
9 walk us through the process?

10 A Yes. I was actually the lead officer of the mail  
11 facility. My job was to train new officers that were coming  
12 into our building and train them on how to find illicit  
13 substances and products, utilize the X-ray system. And in  
14 this particular case, the package was traveling through an  
15 X-ray system and I saw it, and I pulled it, and I took a  
16 couple of minutes to explain to the new officer, hey, look,  
17 this is what it looks like. This is, you know, what we're  
18 specifically looking for.

19 Q I'm going to show you Exhibit 1.02. And as you're  
20 looking at that, we'll look at 1.03 as well.

21 Do you recognize that?

22 A Yes, I do.

23 Q What are you looking at there?

24 A It's a typical mail parcel that arrives from China.

25 It's got a generic label, generic description and



1 declaration.

2 Q Is that the package we've been talking about, the first  
3 one you caught?

4 A Yes, sir.

5 Q And then you can see on your screen there a picture.  
6 Is that the same thing?

7 A Yes.

8 Q So the package and the bag is what you see on the  
9 screen?

10 A Yes, sir.

11 Q Once you flagged it in the X-ray machine, can you walk  
12 us through the process of opening it up and seeing what's  
13 inside?

14 A The most important thing when you're opening a package  
15 like this is obviously the safety concern for us. So  
16 secondly would be evidence preservation. We're not trying  
17 to hack into a package so as to not disturb the contents.

18 Once you open it and you just -- in this particular  
19 case, it was a white powder in a foil package. You want to  
20 take a really small sample. So we have a testing area in  
21 our facility where we would open up this package  
22 specifically. You are extracting a really small sample,  
23 less than a tenth of a gram, and you put it onto a machine  
24 that analyzes the actual chemical.

25 We take that data and we send it to our lab chemists,

1 and they are the ones that reply to us via e-mail, hey, this  
2 substance is said to contain a presumptive for Fentanyl.

3 Q This was your first time catching Fentanyl, correct?

4 A No. I've caught it before, but this was specifically  
5 the first time that I've caught it from China in this  
6 fashion. Normally you would see ampoules in a Fentanyl  
7 liquid. Those would be coming out of Eastern Europe.

8 Q And thank you for clarifying. The first time on the  
9 powder?

10 A Yes.

11 Q Once you were notified that it was Fentanyl, did you  
12 contact Homeland Security Investigations?

13 A Yes. I work closely with Homeland Security. They're  
14 our investigative agency. U.S. Customs and Border  
15 Protection is an interdiction agency. Homeland Security  
16 takes over the investigation once we discover, in this  
17 particular case, a narcotic. We inform them of what we  
18 have, and then they take over the investigation from there.

19 Q In this case the drugs, they went to the DEA lab,  
20 correct? The package like this, Exhibit 102, is that what  
21 you turned over to Homeland Security Investigations?

22 A Yes.

23 MR. GADD: If I could have just one moment.

24 BY MR. GADD:

25 Q So I can clarify the record, we've been looking at

1     photos here.   That's 1.03.

2             And then the last question.   You indicated you caught  
3     this package in June.   Was it June 23rd, 2016?

4     A     Yes, sir.

5             MR. GADD:   No further questions.   Thanks.

6             THE COURT:   According to my records, these were  
7     previously admitted into evidence, correct?

8             MR. GADD:   Yes, sir.

9             THE COURT:   You may cross-examine.

10            MS. BECKETT:   We have no questions for this  
11     witness, Your Honor.

12            THE COURT:   Thank you, Ms. Beckett.

13            You may step down.

14            THE COURT:   Should he be excused, then?

15            MR. GADD:   Please, yes.

16            THE COURT:   You can come or go as you please.  
17     You're excused.

18            You may call your next witness.

19            MR. GADD:   Your Honor, the United States calls  
20     Drug Enforcement Administration Special Agent Christopher  
21     Amidan.

22            THE COURT:   Come forward and be sworn, please,  
23     right here in front of the clerk of court.

24     //

25     //

1 CHRISTOPHER AMIDAN,

2 Having been duly sworn, was examined

3 and testified as follows:

4 THE CLERK: If you will state your name and spell  
5 it for the record.

6 THE WITNESS: My name is Chris Amidan. C-h-r-i-s,  
7 A-m-i-d-a-n.

8 THE COURT: Go ahead, Mr. Gadd.

9 DIRECT EXAMINATION

10 BY MR. GADD:

11 Q Good morning.

12 A Good morning.

13 Q Thank you for coming up.

14 A Anytime.

15 Q Are you prepared to testify about your part in the  
16 investigation of drug importing activities of this defendant  
17 over my shoulder, Mr. Aaron Shamo?

18 A Yes, I am.

19 Q Before we do that, I want to just take a moment and  
20 give the jury a summary of your background and experience.  
21 Can you tell us a little bit about yourself?

22 A Yes. I'm a special agent with the United States Drug  
23 Enforcement Administration. Prior to that -- I grew up  
24 here. I've spent most of my life here in Utah.

25 In approximately 2009, February, I attended the DEA

1 Academy, where I was trained in drug trafficking patterns,  
2 United States drug law, drug identification, surveillance,  
3 countersurveillance techniques, and special weapons and  
4 tactics training. From there, I came back here, spent  
5 approximately 90 days, I believe.

6 And then from there, I was stationed at the Los Angeles  
7 field division in Los Angeles, California, where I spent  
8 approximately eight years. There we did anything from  
9 simple narcotics cases to gang cases, to Title III  
10 conspiracy investigations. And then I spent eight years  
11 there.

12 And my last two years, I've been stationed at the  
13 Las Vegas district office in Las Vegas, Nevada, where I'm  
14 currently stationed.

15 THE COURT: Mr. Gadd, excuse me.

16 Ms. Beckett, I called you Ms. Bennett. It's  
17 Ms. Beckett, and I'm sorry.

18 MS. BECKETT: Not a problem, Your Honor.

19 THE COURT: Maybe I was thinking of Pride and  
20 Prejudice, or something. I don't know.

21 Pardon me. Go ahead.

22 BY MR. GADD:

23 Q Let's talk for just a minute now about a Fentanyl  
24 package that was addressed to Ryan Jensen. At some point  
25 were you asked by DEA agents up here to go pick up drugs

1 from the Department of Homeland Security?

2 A Yes, I was.

3 Q Can you tell us a little bit about that?

4 A Yeah. I believe it was September 28th, 2016, I  
5 received a call -- I think it was TFO Dennis Power, if I  
6 remember correctly -- asking if I could go down to Long  
7 Beach and retrieve a Fentanyl -- a suspected Fentanyl  
8 package for them.

9 Q Can we look at Exhibit 1.00.

10 Do you see that there on the screen?

11 A Yes, I do.

12 Q You've had a chance to review this before, correct?

13 A Yes, I did.

14 Q Your name is on the tag right there?

15 A Yes, it is.

16 Q Is this the Fentanyl that you picked up?

17 A Yes, it is.

18 Q Can you talk to us just briefly about picking up the  
19 Fentanyl and then what you did with it.

20 A Yep. So on that day, myself and Special Agent Rob  
21 Blair went down to the Long Beach facility and met with  
22 Special Agent Abosi, and CBP Officer Todd Erickson. At that  
23 point they gave us the -- they transferred their evidence  
24 bag with the suspected exhibit inside, the suspected  
25 Fentanyl. And at that same time there, myself and Rob

1 Blair, we placed it within two evidence bags for safety  
2 reasons. That's why we did two.

3 Shortly after that, we transported it to the Los  
4 Angeles field division where we packaged it for shipping.  
5 And then later that day myself and my group supervisor  
6 shipped it to, via FedEx, the western lab, which I believe  
7 is in San Francisco.

8 Q Or just outside, right?

9 A Yeah, I think so.

10 Q So the Fentanyl you picked up, you indicated you double  
11 bagged it. Had you had much experience with Fentanyl prior  
12 to this?

13 A We had not. We'd been hearing about it a lot on the  
14 east coast, like the northeast, but that was my first  
15 experience with it.

16 Q Were you worried?

17 A A little bit, not too much. I trusted if it was bagged  
18 twice, I was safe.

19 Q Did you talk to the chemists at the lab the processes  
20 to keep it safe?

21 A Yes. They just said don't let it get airborne.

22 Q And maybe just so everyone is on the same page, we have  
23 an agreement that we're not bringing any powder into the  
24 courtroom. That's why you're looking at this picture.

25 A Correct.

1 MR. GADD: Nothing further for this witness.

2 Thank you.

3 THE COURT: Thank you, Mr. Gadd.

4 Any cross-examination?

5 MR. SAM: We have nothing for this witness,

6 Your Honor.

7 THE COURT: Thank you, Mr. Sam.

8 You may step down, and you're excused.

9 MR. SAM: Thank you.

10 THE COURT: You may call your next witness.

11 MR. GADD: Your Honor, the United States calls

12 Ryan Jensen.

13 THE COURT: Come forward and be sworn, please,

14 right up here in front of the clerk of court.

15 Again, I assume the references to exhibits, that

16 they are already previously admitted unless there is some

17 objection that comes up.

18 MR. GADD: Correct.

19 THE COURT: Thank you.

20 RYAN JENSEN,

21 Having been duly sworn, was examined

22 and testified as follows:

23 THE CLERK: If you'll just come around to the

24 witness box.

25 Please state your name and spell it for the



1 record.

2 THE WITNESS: Ryan Jensen. R-y-a-n, J-e-n-s-e-n.

3 THE COURT: You may proceed, Mr. Gadd.

4 DIRECT EXAMINATION

5 BY MR. GADD:

6 Q Good morning.

7 A Good morning.

8 Q Thank you for coming.

9 There's water there. Tissues, only if you need to blow  
10 your nose. And if at any point you need a break, just let  
11 me know, okay?

12 A Okay.

13 Q Are you, Mr. Jensen, prepared to testify about your  
14 part in the investigation of a drug package that was linked  
15 to this defendant right here, Mr. Shamo?

16 A Yes, I am.

17 Q Before we do that, could you tell us a little bit about  
18 yourself?

19 A Yeah. My name is Ryan Jensen. I'm 27 years old. I  
20 grew up in Utah most of my life. Moved around a couple of  
21 times, but ultimately stayed in Utah. Probably will the  
22 rest of my life.

23 I love the outdoors, pretty adventurous. Anything that  
24 has an engine, you can find me doing that.

25 Q Thanks.

1 Do you know Mr. Shamo?

2 A I do.

3 Q How did you meet?

4 A In December of 2015, I believe, I met through a mutual  
5 friend. We went to Park City Live a couple of times, a  
6 couple of concerts, and since then we became friends.

7 Q So when you think back to 2016, can you describe your  
8 relationship with Mr. Shamo in terms of how much was  
9 friendship and how much was business?

10 A Yeah. Just friendship. We went to Vegas, went to bars  
11 together, boating. And as far as business goes, it was just  
12 more a couple of packages were sent to my house, and that  
13 was it. But despite that, the majority of it was just  
14 hanging out.

15 Q Let's talk for a minute about packages and specifically  
16 how you got involved. So you indicated you received  
17 packages. Was that on Mr. Shamo's behalf?

18 A Yes.

19 Q How did you first get involved?

20 A I believe after a time in Vegas -- we had spent quite a  
21 bit of money, and I said I don't have that much money to be  
22 able to afford those things. And he said there's a way you  
23 can make money. I can just send a couple packages to your  
24 house, pay you 200 bucks, and I was like, oh, sure, sounds  
25 good.

1 Q You mentioned this briefly, but let's now talk  
2 specifically about packages. How many packages do you  
3 remember receiving?

4 A I remember receiving packages on two separate  
5 occasions.

6 Q And on those occasions, how many packages total?

7 A Maybe three.

8 Q I want to show you Exhibit 1.03, and that's going to  
9 come up on that screen in front of you.

10 This is the package that we caught on its way to you,  
11 and I want to ask you some questions about it.

12 Your other packages, the ones that we didn't catch, did  
13 they look like this one?

14 A Yes, they did.

15 Q They had your name on it?

16 A Yes. The same from person. It seemed pretty similar,  
17 yeah.

18 Q Okay. So you mentioned the from. Were those other  
19 packages from China, do you remember?

20 A Yes.

21 Q And that's your name and your address at the time,  
22 correct?

23 A Yes, it is.

24 Q Did the amount you received for the packages, did it  
25 change at all or was it constant every time?

1 A Constant.

2 Q When you got a package in, where would you exchange it  
3 with Mr. Shamo?

4 A His house.

5 Q Did Mr. Shamo ever tell you what was inside of the  
6 packages?

7 A Nope. He said never to open the boxes.

8 Q Was anyone ever with Mr. Shamo when you'd drop off the  
9 packages?

10 A Yeah, Luke Paz.

11 Q On more than one occasion?

12 A Yeah.

13 Q Did you think Luke Paz was involved in this?

14 A No.

15 Q Did you also order supplies online for Mr. Shamo?

16 A Yes, I did.

17 Q When you made that order, where were you?

18 A At my house.

19 Q Did he take you onto a website?

20 A He told me to go to a website. He gave me a website to  
21 go to.

22 Q And where was he when you were making the order?

23 A Not with me. I don't know where he was.

24 Q He told you what he was looking for?

25 A Yeah.

1 Q And then did you pay for those ingredients you were  
2 buying?

3 A Yes, I did.

4 Q Did he reimburse you?

5 A Yes, he did.

6 Q And paid you for doing it?

7 A Yep.

8 Q Let's talk for a minute not about your house but about  
9 his house, Mr. Shamo's residence. Have you ever been to  
10 Mr. Shamo's residence on Titian Way in Cottonwood Heights?

11 A Yes, I have.

12 Q How often would you say you went there?

13 A Pretty frequently for maybe four or five, six months.  
14 Never more than in his living room or his kitchen.

15 MR. GADD: Can we look at 1703.

16 BY MR. GADD:

17 Q This document was found inside his house. Do you  
18 recognize it?

19 A No, I don't.

20 Q Do you see your name on it in the middle there?

21 A Yes, I do.

22 Q Do you think you could have left this document at his  
23 house?

24 A No. No.

25 Q If you look up near the top, the shipper or exporter,

1 the Press Club Nutrition dba, or doing business as, Press  
2 Club, do you recognize any of those names?

3 A Yeah. I think it's similar to the website I purchased  
4 it from. So it could have been in the box when I gave it to  
5 him.

6 Q And then if we can zoom out for just a moment. Down at  
7 the bottom half where it says description -- now at the top  
8 of your screen -- excipient microcrystalline cellulose. Do  
9 you know what microcrystalline cellulose is?

10 A No.

11 Q Did Mr. Shamo ever tell you he was pressing pills?

12 A No, he never told me he was pressing pills, but I  
13 suspected it was more like MDMA, Ecstasy.

14 Q You say MDMA. Is that methylenedioxymethamphetamine?

15 A I think.

16 Q And you said Ecstasy. That's a street name for it,  
17 right?

18 A Yeah.

19 Q As other street names, like Molly?

20 A Molly or Ecstasy.

21 Q Did Mr. Shamo ever tell you he was pressing pills with  
22 Fentanyl?

23 A No. I didn't know what it was actually.

24 Q Now let's talk for a minute about a search warrant that  
25 was executed at your residence. So we'll change gears just

1 a little bit.

2 You had been receiving a few packages, and then a  
3 package didn't show up in the mail, right?

4 A Yeah.

5 Q Did you alert Mr. Shamo when that package didn't show  
6 up?

7 A I don't remember too well. I remember, I think,  
8 something didn't show up and I said, hey, box didn't show  
9 up, and he said don't worry about it. It happens.

10 Q November 1st, 2016, were you stopped while you were  
11 driving your vehicle?

12 A I was, early in the morning going to work.

13 Q And you met some agents who told you they were about to  
14 execute a search warrant at your residence, correct?

15 A Yeah.

16 Q You sat down and spoke with agents that day, right?

17 A I did.

18 Q Were you honest with them?

19 A I was.

20 Q Did you tell them about Mr. Shamo?

21 A I did.

22 Q About your arrangement with him?

23 A Yep.

24 Q From that day until now, have you kept in contact with  
25 the agents?

1 A I have.

2 Q Have you kept being honest?

3 A Yes.

4 Q Let's look at 2303. Do you recognize this?

5 A I do.

6 Q This is an immunity agreement, correct?

7 A Yes.

8 Q In this agreement the United States has promised not to  
9 use your testimony today against you in a future proceeding,  
10 correct?

11 A Correct.

12 Q And you agree to tell the truth?

13 A Yes.

14 Q Your attorney has also been told that as of now there  
15 are no plans to seek charges against you for the package  
16 that came in your name?

17 A Correct.

18 Q There's no other deals, backdoor deals, nothing like  
19 that, right?

20 A No.

21 Q Okay. Now let's talk for just a minute about maybe the  
22 harder questions.

23 Did you suspect the packages contained drugs?

24 A I suspected they did, but I was never told they did.

25 Q And why did you help Aaron Shamo?



1 A Two, 300 bucks. I asked him if they contained anything  
2 illegal. He said no. Though I may have suspected it, two  
3 or \$300 bucks, being sent to my house, easy money.

4 MR. GADD: Your Honor, I have no further questions  
5 at this time.

6 THE COURT: Thank you, Mr. Gadd.

7 You may cross-examine, Mr. Skordas.

8 MR. SKORDAS: Yvette, could you get us 1.03 again.  
9 please.

10 CROSS-EXAMINATION

11 BY MR. SKORDAS:

12 Q Mr. Jensen, you testified previously that that was a  
13 package that you didn't receive, correct?

14 A Correct.

15 Q But you had previously received similar packages?

16 A Correct.

17 Q And you didn't open those packages?

18 A No.

19 Q You have no idea what was inside those packages --

20 A No.

21 Q -- as you sit here today?

22 A Correct.

23 Q How many prior packages do you think you received?

24 A Maybe three.

25 Q And you got \$200 for each one?

1 A Yeah.

2 Q So you believe you got about \$600?

3 A Yep.

4 Q In what form?

5 A Cash.

6 Q So you think that your involvement in this was three  
7 packages and \$600. Does that seem right?

8 A Correct.

9 Q And not once did you look at anything to see what was  
10 in those packages?

11 A No.

12 Q This package here looks like it's from some location in  
13 China. Is that consistent with what the other packages were  
14 or did you look that close?

15 A I believe so. I didn't -- I don't have a perfect  
16 memory of it, but I believe that's pretty similar.

17 MR. SKORDAS: And, again, Yvette, if you could  
18 turn to 2303 for just a minute.

19 BY MR. SKORDAS:

20 Q Mr. Jensen, at some point early in these proceedings  
21 you engaged a lawyer, correct?

22 A Correct.

23 Q Mr. David Jordan?

24 A Correct.

25 Q And you and David Jordan came to an agreement with the

1 government that if you testified today, you wouldn't be  
2 prosecuted, correct?

3 A Correct.

4 Q And this agreement looks to be dated June of this year.  
5 Does that seem right?

6 A Yes.

7 MR. SKORDAS: And, Yvette, if you could turn to  
8 the second page of that.

9 BY MR. SKORDAS:

10 Q It looks like it was, in fact, dated just like a week  
11 or so ago. August, does that seem right?

12 A Yeah. That's when I first signed it.

13 Q That's when you first signed it?

14 A So that's when I signed it officially.

15 Q But you had been working with the government prior to  
16 that?

17 A Correct.

18 Q And it's your understanding that so as long as you  
19 testify in court today, you will never be prosecuted for  
20 what you did, correct?

21 A For my testimony, correct.

22 Q And, in fact, you haven't been prosecuted for anything?

23 A Correct.

24 Q Never spent a minute in jail?

25 A No.

1 Q Never spent a second in handcuffs?

2 A No.

3 Q Did you give a statement early on back in October or  
4 November of 2016 to the government when this package didn't  
5 arrive at your house?

6 A Yes, I did.

7 Q And have you continued to work with them since that  
8 time?

9 A Yes, I have.

10 Q But you didn't have an agreement with them until a week  
11 ago?

12 A It actually -- I believe December of last year, working  
13 with Michael Gadd, he had told me they'd work an agreement  
14 with me. And then I engaged a lawyer in June to make  
15 everything official, just to make sure I know what I'm  
16 doing. But this has been in the works for a while.

17 Q Because you've been working with the government for a  
18 while?

19 A Correct.

20 Q In fact, you've been working with the government for  
21 almost three years now?

22 A Yes.

23 Q And met with their agents and given them information in  
24 exchange for you not being prosecuted, correct?

25 A Correct.

1 MR. SKORDAS: That's all I have, Your Honor.

2 THE COURT: Thank you.

3 Any redirect?

4 MR. GADD: Just very briefly.

5 REDIRECT EXAMINATION

6 BY MR. GADD:

7 Q When you first confessed and talked to the agents,  
8 there was no prosecutor around, right?

9 A No.

10 Q Just you and the agents. No deal, then?

11 A No.

12 Q But you still told the truth?

13 A Yeah. There was no deal. I didn't even know the deal  
14 was coming until December or so.

15 Q And you were encouraged to hire an attorney so that you  
16 could make that decision, correct?

17 A Yeah.

18 MR. GADD: Nothing further.

19 THE COURT: Thank you.

20 Any recross?

21 MR. SKORDAS: Just briefly.

22 RECROSS-EXAMINATION

23 BY MR. SKORDAS:

24 Q By deal, you mean you're not going to get prosecuted,  
25 correct?

1 A That's my understanding through that deal.

2 Q But you understood that deal prior to June 19th of this  
3 year, correct?

4 A Not in its entirety. Like I didn't really know what --  
5 interpreted what it meant.

6 Q And you knew that you weren't going to get prosecuted  
7 back in December of 2018, correct?

8 A I didn't know. I didn't entirely know, no. I had  
9 never seen this agreement until June.

10 Q That's not what I asked you. My question was in your  
11 conversations with the agents, you were told -- and you  
12 asked -- that you'd not be prosecuted, correct?

13 A I did ask that, yes.

14 Q It wasn't the first time it showed up suddenly in June  
15 of this year?

16 A Correct.

17 MR. SKORDAS: That's all I have, Your Honor.

18 THE COURT: Thank you.

19 You may step down, Mr. Jensen.

20 I assume he can be excused?

21 MR. GADD: Please.

22 MR. SKORDAS: No objection.

23 THE COURT: Thank you.

24 You may call your next witness.

25 MR. GADD: Your Honor, could we take just a moment

1 to get them to arrive. We're moving a little faster than we  
2 anticipated.

3 THE COURT: It's too early for the quick lunch  
4 break. When do you expect them?

5 MR. GADD: They've arrived.

6 THE COURT: Good.

7 MR. GADD: Your Honor, the United States calls  
8 Sean Gygi.

9 THE COURT: Come forward and be sworn, please,  
10 right up here in front of the clerk of the court.

11 SEAN GYGI,

12 Having been duly sworn, was examined

13 and testified as follows:

14 THE CLERK: Come around to the witness box here.

15 Please state your name and spell it for the  
16 record.

17 THE WITNESS: Sean Michael Gygi. S-e-a-n,  
18 M-i-c-h-a-e-l, G-y-g-i.

19 THE COURT: You may proceed, Mr. Gadd.

20 MR. GADD: Thank you, sir.

21 I pulled that water away not because I don't want  
22 you to have water, but because it was the prior witness's.  
23 If you need it, it's just on your right.

24 //

25 //

1 DIRECT EXAMINATION

2 BY MR. GADD:

3 Q Mr. Gygi, are you prepared to testify about your part  
4 in the investigation of drug packages that are linked to  
5 this defendant, Mr. Shamo?

6 A Yes, I am.

7 Q Before we do that, could you tell us a little bit about  
8 yourself?

9 A I can. My name is Sean Gygi, as I stated. I've lived  
10 in Utah about 15 years. Love the place. Currently work as  
11 a workforce management analyst for a call center in Sandy.  
12 And no kids, but love dogs.

13 Q Thanks.

14 Do you know Mr. Shamo?

15 A I do.

16 Q What was your relationship like with Mr. Shamo in 2016?

17 A In 2016, that was the time where we were both involved  
18 in the criminal enterprise that's been described.

19 Q Did you have a social relationship at all or was it all  
20 work?

21 A We definitely had a social relationship as well. It  
22 was to the effect of going out to concerts and clubs  
23 together, occasionally hanging out together, although not as  
24 much in 2016 as 2015.

25 Q I'm going to show you a chart. I'm going to put it up



1 next to you.

2 MR. GADD: And then could we look at the  
3 organization chart on the screen as well.

4 BY MR. GADD:

5 Q When you look at this chart, 17.06, will you tell us  
6 who else you knew at the time, 2015, 2016?

7 A Yes. I definitely new Mario Noble. I recognize Luke  
8 Paz, although I didn't interact with him on very many  
9 occasions. Drew Crandall, Tonge and Bustin, and Jessica  
10 Frankham.

11 Q And we won't talk about Ms. Frankham much, but let's  
12 just briefly cover it. How did you know her?

13 A She is my girlfriend. I've known her about five years  
14 now.

15 Q Did she also receive packages from Mr. Shamo?

16 A She did.

17 Q And did he pay her or pay you for those packages?

18 A He paid her.

19 Q Let's talk for a minute about how you were recruited.  
20 Do you recall when you first started accepting packages on  
21 Mr. Shamo's behalf?

22 A I believe it would have been in 2015.

23 Q And how did you get involved?

24 A At first it was -- it seemed to be fairly innocent,  
25 nothing to the effect of what it ended up being.

1 Specifically was asked if I was okay receiving packages that  
2 would be addressed to myself every once in a while. It  
3 wasn't described what would be in them, but I understood  
4 that it wasn't exactly legal.

5 Q Thinking back, how many packages do you think you  
6 received from Mr. Shamo?

7 A It's hard to say for sure. I had estimated that it was  
8 probably in the range of 30 to 50 packages overall.

9 Q Let's talk about one of those packages.

10 MR. GADD: Can we look at 2.03.

11 BY MR. GADD:

12 Q Can you see that there?

13 A I can.

14 Q I'm also going to show you 2.02.

15 Now the jurors can't see the box there, 2.02, very  
16 well. Can you explain what it is that's inside that bag?

17 A Yes. It's what I would consider to be a normal postal  
18 package. It's very obviously addressed from China to  
19 myself.

20 Q The box and the bag, is that what we're looking at on  
21 the screen in front of you?

22 A Yes.

23 Q It has your name on it?

24 A That's correct.

25 Q And your address, at least at the time?

1 A Yes, that's correct.

2 Q The other packages you received, somewhere between 30  
3 and 50, did they look like this?

4 A They weren't all in cardboard boxes. Some of them were  
5 in bubble wrapped envelopes, but they were all fairly  
6 similar in size.

7 Q You had some indication of what at least a few of those  
8 packages had in them, right?

9 A Not the ones from China. The ones that were sent  
10 domestically before that, I definitely had seen the contents  
11 of some of them.

12 Q So maybe unpack that a little bit for the jury. Can  
13 you talk about the difference between domestic and the ones  
14 from China?

15 A I can. Prior to late 2015, when Drew Crandall left the  
16 country to go on an extended trip, the packages that we had  
17 received were -- they were cardboard boxes generally, but  
18 they were all addressed from within the United States. And  
19 on -- I can think of at least two to three separate  
20 occasions, they were opened in front of me and contained  
21 things like marijuana or LSD.

22 Q Then the change took place, right? Is that when  
23 Mr. Crandall left?

24 A That's correct.

25 Q And the packages after he left, what were they like?

1 A They were like the ones sitting in front of me.

2 Q There was a second package in November of 2016 that was  
3 shown to you during questioning, correct?

4 A That is correct.

5 Q Let's fill in the story up until that point. In  
6 November of 2016, agents executed a search warrant at your  
7 residence, right?

8 A That is correct.

9 Q And were you asked to sit down and speak with them?

10 A Yes. I was -- I was taken separately to a location  
11 downtown, which I believe it was the DEA headquarters here,  
12 although I'm not entirely sure.

13 Q Did it have kind of the curves above the windows?

14 A That sounds right, yes.

15 Q You went into the basement?

16 A I don't think we went into the basement. It was the  
17 first floor.

18 Q The main floor?

19 A Yeah.

20 Q Sure. And you sat down and you spoke with the agents,  
21 right?

22 A Correct.

23 Q At some point during that interview, did they ask you  
24 if they could look inside a package that they had caught?

25 A Yes, they did.

1 Q Let's look at 5.03 now. Then I also want to show you  
2 5.02.

3 You've got 5.02 in the bag. The jurors can't see that  
4 one as well, but we've got 503 here up on the screen. Is  
5 this the same package?

6 A Yes. They do appear to be the same.

7 Q And on that package, it's shipped to your name,  
8 correct?

9 A That is correct.

10 Q And your address at the time?

11 A That is correct.

12 Q When a package like this made it to you, it wasn't  
13 caught. When it made it to you, what would you do with it?

14 A At that point I would inform Shamo that I had received  
15 the package and needed to meet up to exchange that for  
16 payment.

17 Q Let's talk for just a minute about payment. You kind  
18 of drew a line when Mr. Crandall left in terms of how the  
19 packages changed. Did payment change?

20 A Yes, fairly significantly.

21 Q Tell us how so.

22 A When Mr. Crandall was involved, I was being paid 50 to  
23 \$100 per package. After he left, it wasn't an immediate  
24 change, but within, I would say, two months, the payment  
25 increased to two to \$300 per package.

1 Q How were you paid?

2 A In cash or through Venmo.

3 Q When you needed to exchange a package for money, where  
4 would you do it?

5 A Generally at Mr. Shamo's home.

6 Q And on those 2016 packages, the China packages, did  
7 Mr. Shamo ever tell you what was inside?

8 A No.

9 Q Was anyone ever with Mr. Shamo when you would exchange  
10 packages for money?

11 A I don't recall specifically, but I don't believe so.

12 Q Let's talk about the transition that you took from  
13 being just a package receiver to more full-time  
14 responsibility. At some point you changed, right?

15 A That's accurate.

16 Q What was it that you became?

17 A I would be -- I guess you could call it a courier or a  
18 runner. I was picking up packages and dropping them off at  
19 various post office collection bins.

20 Q When did you make the change?

21 A I believe that would have been June or July 2016,  
22 sometime around there.

23 Q Why did you take that additional role?

24 A I had lost my job earlier that year and I needed money.

25 Q Did Mr. Shamo pay pretty well?

1 A Yes, very well.

2 Q How much was he paying you to be a runner?

3 A \$2,000 every other week.

4 Q Was he on time with his payments?

5 A I can't really recall a time where he wasn't -- where  
6 he was late.

7 Q So let's talk for a minute about your role as a runner  
8 or a courier. How frequently would you go and pick up  
9 packages?

10 A Five to six nights per week.

11 Q From whom would you pick up the packages?

12 A It wasn't -- I didn't know who it was at the time. It  
13 was merely just an address where I would pick up packages  
14 from the porch, though I came to know who they were later  
15 on.

16 Q That address, was that in Daybreak?

17 A Yes, that's correct.

18 Q And where would you take the packages once you picked  
19 them up?

20 A It's changed each night. I would determine where they  
21 needed to go based on the return addresses on the packages.  
22 For example, if the return address was Cottonwood Heights, I  
23 would find collection bins or post offices nearby that ZIP  
24 code or address.

25 Q How did you know to do that?

1 A It was something that had been explained briefly when I  
2 began doing this, not specifically how to find the  
3 locations, but rather just to -- how to know, roughly, where  
4 to go.

5 Q What was the problem with taking a package that had a  
6 Midvale return address and shipping it from Provo?

7 A I believe the concern there was to obfuscate where the  
8 packages were originating.

9 Q So if it had a Midvale return address, where would you  
10 look for the blue collection box?

11 A Nearby Midvale.

12 Q I mentioned the blue collection boxes. You dropped off  
13 there, correct?

14 A That's correct.

15 Q How about a post office, did you ever go inside?

16 A Yes. There came a time where there were packages that  
17 were too large to fit in the blue collection bins, and at  
18 that point I began using post office lobbies.

19 Q Did it make you nervous to go inside the post office?

20 A Absolutely.

21 Q Why?

22 A Because I understood -- I understood maybe not what was  
23 included, but that it wasn't aboveboard.

24 Q Let's talk now about cooperating with agents. There  
25 was a turning point where you started cooperating with these



1 agents. What caused it?

2 A When I was questioned and had a search warrant served,  
3 I answered some questions that day, but was certainly  
4 reluctant to tell the whole story. I went home the night  
5 that I had been questioned and really took a long time to  
6 think about what the right thing to do was. And after  
7 learning that there was Fentanyl included in these packages,  
8 I really understood that I couldn't do anything but put a  
9 stop to what had been going on. People were obviously going  
10 to be getting hurt and that wasn't something I was okay  
11 with.

12 Q Did you recognize the name Fentanyl when they said it?

13 A I did. I had heard of it before.

14 Q Up until that point, and I'm talking now about not  
15 inbound packages but the ones that you were shipping out,  
16 what did you think those packages had in them?

17 A I was under the impression that they were the same type  
18 of things that I had known were included in packages before,  
19 marijuana, LSD, Ecstasy, Xanax, that kind of stuff.

20 Q The following morning, November 18th, did you reach out  
21 to the agents that you had interviewed with?

22 A I did. It was one of the first things I did waking up  
23 that morning.

24 Q And they met up with you again, right?

25 A They did, fairly quickly.

1 Q When you spoke with them that following day,  
2 November 18th, did you agree to record a conversation with  
3 Mr. Shamo?

4 A I did, yes.

5 Q Where did that conversation take place?

6 A I was in my apartment complex in Mr. Shamo's vehicle, I  
7 believe his BMW.

8 MR. GADD: Could we look at Exhibit 17.01.

9 Let's go ahead and play it once through.

10 Just a moment. I think our sound might be off.

11 Your Honor, what if we took a quick, five-minute  
12 break? We'll diagnose the sound issue, and there's one  
13 other thing I'd like to address with Your Honor.

14 THE COURT: It's impossible to only take a  
15 five-minute break with a jury. Do you want to address  
16 something at side-bar?

17 MR. GADD: Both. To fix the sound and also --  
18 because the exhibit is the audio recording. The transcript  
19 just helps it.

20 THE COURT: Let's see if we can get the sound  
21 going here.

22 Rule number one with gizmos is if something can go  
23 wrong, it will.

24 We could take our second break, which is usually a  
25 longer break, bring some food up for the jury. But it won't

1 be up until 11:30.

2 MR. SKORDAS: That might make sense.

3 THE COURT: If we break now, we're probably  
4 looking at ten to 12:00.

5 MR. GADD: If we could do that, that would be  
6 great.

7 THE COURT: Okay. Let's do that.

8 MR. GADD: Great.

9 (Jury excused)

10 THE COURT: Did you say you had something you  
11 needed to take up?

12 MR. GADD: Two things.

13 THE COURT: Do we need to wait for the clerk to  
14 get back in?

15 MR. GADD: Probably.

16 THE COURT: All right.

17 There she is.

18 Go ahead.

19 MR. GADD: I think the Court probably caught this  
20 as opening statements were going on. The Court ruled on a  
21 motion in limine back in May where we had asked the Court to  
22 preclude the defense from charging comparisons between  
23 co-defendants. Much of the defense's opening statement was  
24 drawing those comparisons that the Court ruled --

25 THE COURT: I'm looking at your chart, the chart

1 in your exhibit. Do you know what I'm talking about?

2 MR. GADD: Of the people?

3 THE COURT: No. No. I'm looking at the chart  
4 about permitted and not permitted.

5 MR. GADD: Yes, sir. Yes, sir. The filed one.

6 THE COURT: Charges permitted. Charges and  
7 potential sentences for testifying co-conspirators?

8 MR. GADD: Yes, sir.

9 THE COURT: That's permitted. What are you saying  
10 he shouldn't have done?

11 MR. GADD: The comparison is pointing out that  
12 they're not charged with other crimes, specifically CCE or  
13 the death resulting offense, Count 1 and Count 6.

14 THE COURT: Mr. Skordas.

15 MR. SKORDAS: We're happy to ask each one of them  
16 that individually if that's what it's going to take.

17 THE COURT: I'm not sure I understand what you're  
18 complaining about.

19 MR. GADD: Yes, sir. I'll try to be more clear.

20 The Court ruled that they could not draw  
21 comparisons between Mr. Shamo, who's charged in Count 1 and  
22 Count 6, and the other defendants who are not. But since  
23 those comparisons have been drawn, I'm asking for a curative  
24 instruction. I think we can model it similar to the  
25 instruction that we've proposed in the final jury

1 instructions or we tell the jurors now so that they're not  
2 laboring under a false impression for the next four weeks,  
3 that it's not their role to decide or judge the charges and  
4 that they should not draw those comparisons.

5 THE COURT: Mr. Skordas.

6 MR. SKORDAS: Your Honor, our understanding was  
7 that it was really sentencing comparisons that we were  
8 staying away from, but the government can argue whatever it  
9 wants. We were just going through what we believe the facts  
10 will be when these individuals each testify. We're entitled  
11 to do that. I'd be happy to bring all their attorneys in,  
12 if that's what you want, but there was a very clear intent  
13 by everybody to avoid those two counts.

14 MR. GADD: The problem there is none of them faced  
15 the CCE count. That's why drawing the comparison is  
16 impermissible.

17 THE COURT: Well, but you can point that out,  
18 can't you, on the testimony?

19 MR. GADD: Yes, certainly. My request is that we  
20 have a short instruction now so that the jury doesn't think  
21 for the next four weeks, or when we get to the individual  
22 cooperators' testimony, that part of what they are supposed  
23 to consider is the grand jury's decision on whom to charge  
24 with what or to draw comparisons between co-defendants and  
25 what charges the grand jury indicted them on.

1 THE COURT: In your own chart -- do you know what  
2 I'm talking about? In your own brief --

3 MR. GADD: Yes, sir.

4 THE COURT: -- you say permitted, and I agreed  
5 with this, charges and potential sentences for testifying  
6 co-conspirators for purposes of impeachment.

7 MR. GADD: Yes, sir.

8 THE COURT: Isn't that what he did? Isn't that  
9 permitted?

10 MR. GADD: Yes, that is permitted. It's the  
11 inverse that's not permitted.

12 THE COURT: Which is what?

13 MR. GADD: Pointing out what they were not charged  
14 with and then drawing comparisons.

15 THE COURT: I don't know that I ruled on that.

16 MR. GADD: I would be happy to take a minute this  
17 afternoon when court is adjourned and try to put what I'm  
18 trying to say in writing and hopefully make it more clear.

19 THE COURT: All right. So far I don't think he  
20 has violated this chart. If I'm wrong, then I'm sure you'll  
21 point it out.

22 MR. GADD: The second issue I'd like to address is  
23 his contention that the defendant was never interviewed. So  
24 I've instructed our agents not to bring up that when they  
25 tried to interview the defendant, he invoked his right to

1 remain silent. But by making it a point of contention that  
2 was never interviewed, unlike the other co-defendants, we  
3 think the jurors need to hear the full story, that he was  
4 given the opportunity and refused.

5 THE COURT: They do, don't they, if they tried to  
6 interview him and he invoked his right?

7 You said he was never interviewed?

8 MR. SKORDAS: Correct.

9 THE COURT: They say they tried to interview him  
10 and couldn't.

11 MR. SKORDAS: Early on. And we tried for three  
12 years to interview with them and they wouldn't. So if they  
13 want to open that up, let's open the whole thing up. We  
14 have been begging them for an interview for three years,  
15 Your Honor. I'll testify to that.

16 THE COURT: Mr. Gadd.

17 MR. GADD: We'll have a hard time with an attorney  
18 as a witness.

19 THE COURT: Yes. Yeah. We're not going to do  
20 that.

21 MR. GADD: I see it as an open door, but because  
22 it's a sensitive issue dealing with Fifth Amendment rights,  
23 I wanted to bring it up first with the Court to make sure  
24 that we were okay to briefly ask our agents if they asked to  
25 interview him and if he refused. And we'll try to phrase it

1 such that we don't implicate his constitutional rights.

2 We'll just indicate that he chose not to.

3 THE COURT: If you do that, Mr. Skordas is going  
4 to want to bring up through -- I guess Mr. Shamo, if he  
5 testifies, and it sounds like he's going to --

6 MR. GADD: If Mr. Shamo has personal knowledge,  
7 I'm sure he could testify to that.

8 THE COURT: -- that at some point he wanted an  
9 interview.

10 You can do what you said you wanted to do and then  
11 you can do what I suggested you could do.

12 MR. GADD: Those were the two things. Thank you,  
13 Your Honor.

14 THE COURT: You haven't convinced me on the first  
15 thing. You do understand that, right?

16 MR. GADD: Yes, sir. I'll look at it again.

17 THE COURT: All right.

18 Now we're probably looking at five to 12.

19 We'll be in recess.

20 (Recess)

21 THE COURT: Where are we on the fight we ended  
22 with?

23 MR. GADD: No further resolution.

24 THE COURT: Were you complaining about what he  
25 said during his opening statement or something he's asked a



1 witness?

2 MR. GADD: Just the opening statement.

3 THE COURT: But you didn't object at the time  
4 either.

5 MR. GADD: No, sir, chose not to object out of a  
6 professional courtesy.

7 THE COURT: But you're not objecting to anything  
8 he's asked a witness yet?

9 MR. GADD: I have not made an objection, no.

10 THE COURT: Precisely, again, what do you think he  
11 should not have said in his opening statement?

12 MR. GADD: Drawing a comparison between the  
13 charges Mr. Shamo faces and those faced by his  
14 co-defendants. Charging decisions at their core are made by  
15 the grand jury. Mr. Shamo was charged with Count 1, CCE.  
16 His other co-defendants weren't. It's not for this jury to  
17 try to rejudge what the grand jury did or didn't do.

18 So I fully agree that they can talk about what  
19 someone pleaded guilty to and then minimum and maximum  
20 sentences as impeachment. It was that next step, drawing  
21 the comparison between who got charged in Count 1 and who  
22 didn't that I saw as impermissible.

23 THE COURT: Mr. Skordas.

24 MR. SKORDAS: Your Honor, the grand jury, as this  
25 Court knows, issues indictments based on evidence presented

1 to it by the United States Attorney's Office. Had they  
2 sought an indictment for the CCE count, they would have  
3 received that. But they didn't.

4 THE COURT: But isn't it true that we usually  
5 don't get into the charging decisions in a trial?

6 MR. SKORDAS: Yes.

7 THE COURT: What would your curative be?

8 MR. GADD: We have a couple Pattern Instructions,  
9 the Tenth Circuit Pattern Instructions that I think hit  
10 right on this point. And I apologize for not pulling those  
11 numbers. They're two of the instructions that we proposed  
12 as final instructions. So my thought is maybe this  
13 afternoon I could try to draft up something that's neutral  
14 but explains to the jury their role and specifically  
15 indicates that making those comparisons is not within their  
16 role, and then just explaining it to them perhaps tomorrow  
17 morning.

18 THE COURT: Well, take a shot at it. And run it  
19 by -- I mean send it to him, send it to me. We'll talk  
20 about it tomorrow.

21 MR. GADD: Will do. Thank you, sir.

22 THE COURT: Let's get the jury and proceed.

23 (Jury present)

24 THE COURT: You may proceed, Mr. Gadd.

25 MR. GADD: Thank you, sir.

1 BY MR. GADD:

2 Q Mr. Gygi, with any luck, the court IT professionals  
3 have solved our sound issue. So let's maybe just talk about  
4 where we were when we left off and then we'll jump back into  
5 this.

6 So on November 18, you contacted the agents to indicate  
7 that there was more to the story you wanted to tell them,  
8 right?

9 A That is correct.

10 Q And you spoke with them?

11 A Yes.

12 Q From that point onward, have you been truthful with  
13 them?

14 A Yes, absolutely.

15 Q On that morning, November 18th, did they ask you to  
16 record a conversation with Mr. Shamo?

17 A Yes, they did.

18 Q And the conversation, did that take place -- I believe  
19 you said in his BMW?

20 A Yes, parked at my apartment complex.

21 MR. GADD: Let's now, if we can, read and listen  
22 to Exhibit 17.01.

23 (Audio recording played)

24 BY MR. GADD:

25 Q Do you remember making that recording?

1 A Yes, I do.

2 Q Were you nervous at all to record it?

3 A Yes, quite nervous.

4 Q There were a few things you talked about in there that  
5 I want to bring up and have you, if you can, explain for the  
6 jury.

7 A All right.

8 Q Near the beginning, Mr. Shamo indicated that he went  
9 live. What did you understand that to mean?

10 A My understanding at the time was that packages were  
11 being prepared. I wasn't sure if that had meant that  
12 product had run out at the time or if it was merely just a  
13 temporary break.

14 Q You indicated to him at one point that you had missed  
15 the prior night because of an emergency. There was no  
16 emergency, though, right?

17 A That's correct.

18 Q Instead, what were you doing that prior night?

19 A I was wrestling with my decision what to do the next  
20 day after being interviewed by the agents throughout the  
21 day.

22 Q This was just an audio recording, so we couldn't see  
23 what was happening, but were you paid by Mr. Shamo during  
24 that conversation?

25 A Yes, I was.

1 Q Did he pay you in cash?

2 A Yes.

3 Q You referenced plans that had to do with Colorado.

4 What were your plans?

5 A Well, the plans were, a fair amount of time before  
6 this, at minimum, several months, Mr. Shamo and I had  
7 discussed setting up a location to ship packages outside of  
8 Utah.

9 Q Who's idea was it?

10 A It was Mr. Shamo's idea to expand beyond the state,  
11 though Colorado was my suggestion.

12 Q Why was Colorado important for you?

13 A My girlfriend has family out there, so it would have  
14 been an easy place to get settled, and her and I had both  
15 talked about, outside of this venture, wanting to move out  
16 there.

17 Q Was it important to Mr. Shamo that the new shipper be  
18 in a different state?

19 A Yes, though the specific state wasn't quite as  
20 important as it being outside of Utah.

21 Q We heard you negotiating about a biweekly amount. Was  
22 that the amount he was going to pay you?

23 A Yes, that's correct.

24 Q And it was \$3,000, correct?

25 A Yes, that is correct.

1 Q Was that more than you were receiving to be the runner?

2 A It was, yes.

3 Q He talked to you about a separate room. What did you  
4 understand from that?

5 A My understanding was that the people preparing  
6 shipments would want to have a room that was solely  
7 dedicated to that purpose so that it wouldn't be anything  
8 that anyone else used for any other purpose.

9 Q He talked about that's how his shipping team did it.  
10 Had you ever been inside of Ms. Tonge's and Ms. Bustin's  
11 residence?

12 A No.

13 Q You hadn't seen the room that they used, then?

14 A No, I hadn't.

15 Q Towards the end there, he wants you to check on that  
16 one thing and you clarified about a package. What was going  
17 on there?

18 A There was a package that -- I can't recall if it had  
19 specifically said it was delivered or undeliverable, but  
20 either way, it was a package that I was supposed to have  
21 received by that point and I had not yet gotten it.

22 Q By that point was law enforcement seizing some of the  
23 packages coming to you?

24 A Yes.

25 Q Let's talk now about the night of November 18th, 2016,

1 so the day after you first met those agents. Did you take  
2 agents along with you as you picked up packages that night?

3 A I did, yes.

4 Q What did you drive to pick up the packages?

5 A It was a car that my girlfriend and I shared.

6 Q And did the agents, did they ride with you or follow  
7 behind you? Where were they?

8 A They followed behind in a separate vehicle.

9 Q Did you lead them to Ms. Tonge's and Ms. Bustin's  
10 residence?

11 A I did, yes.

12 Q Once you gathered up the packages, what did you do?

13 A I believe after securing the packages in the car, we  
14 drove back to the South Jordan Police Department. I led the  
15 way and the agents followed.

16 Q And then once at the police department, did they take  
17 possession of those packages?

18 A Yes.

19 Q I want to show you Exhibit 7.00. Will you take a look  
20 inside that box.

21 What do you see?

22 A I see envelopes that I recognize as the same address --  
23 return address, names, and type that I was used to dropping  
24 off and shipping out.

25 Q Maybe just for the jury, because they're having a

1 harder time seeing that than you are, can you show them what  
2 else is inside the box?

3 What do you have there?

4 A This is a larger box that I was used to shipping out  
5 occasionally.

6 Q That size box, would that fit in a blue collection bin?

7 A I do not believe so.

8 Q If you could, maybe just tip it down and give the jury  
9 a sense for how many packages or boxes came in that.

10 A (Indicating)

11 MR. GADD: Could we look at 7.01.

12 BY MR. GADD:

13 Q Once you arrived at the police station, the packages,  
14 the parcels, the envelopes, those were turned over to the  
15 agents, correct?

16 A Yes, they were.

17 Q And this picture that you're seeing here, does that  
18 also look like the packages that you had picked up that  
19 night?

20 A Yes, it does.

21 Q There's approximately 79 packages, correct?

22 A That appears to be correct.

23 Q Was that more than a normal amount?

24 A It was more than a normal amount for a single night,  
25 though considering I had not shipped out the night prior,



1 this does add up as the amount for two nights.

2 Q There are different sizes. You showed some in the box  
3 and then we can see some in the picture. Do you see on the  
4 right side the envelopes, the priority mail envelopes?

5 A I do, yes.

6 Q Is that something you would typically pick up from the  
7 residence in Daybreak?

8 A Yes.

9 Q You showed us the larger package that you can see kind  
10 of in the foreground there. In the background, in the  
11 middle, there's boxes with smaller, but they're definitely  
12 boxes. Was that a common size as well?

13 A Yes, it was.

14 Q That was the first night you took the agents along to  
15 pick up packages. You did one more time, right?

16 A That is correct.

17 Q Was it two nights later --

18 MR. GADD: Oh, thank you, Yvette.

19 BY MR. GADD:

20 Q You can see those smaller boxes a little closer there.  
21 Do you remember shipping that size specifically?

22 A Correct.

23 Q And you recall just now a return address from the ones  
24 you looked at, and that made me think of this. You talked  
25 briefly to the jury about reading the return address and

1 then going to a blue collection box near there. Who told  
2 you to do that?

3 A Mr. Shamo gave me a basic rundown of the process. His  
4 explanation, I believe, I don't recall the exact specifics,  
5 but it was something to the effect that the return address  
6 would change with each batch that was going out and I would  
7 need to find collection bins that I can't use nearby that  
8 address. I wasn't given specifics on how to find the  
9 collection bins, but that was my understanding.

10 Q You're resourceful. You figured out how to find  
11 collections bins, right?

12 A I did.

13 Q How did you find them?

14 A I would use the USPS mobile application and look up  
15 collection boxes that were nearby the address that was  
16 provided.

17 Q The second night you went along to pick up -- or you  
18 brought the agents along to pick up packages, that was  
19 November 20th, 2016, right?

20 A That sounds correct.

21 Q Did you text with one of the shippers to set a time  
22 when you would come pick them up?

23 A Yes. That was the normal process.

24 Q Let's look, if we could, at 17.04.

25 Do you recognize what we're looking at there?

1 A I do, yes.

2 Q Is this a screen shot -- or maybe even better, a  
3 picture of a screen?

4 A Yes. It's a photograph of a conversation on my phone.

5 Q Your phone. And then up at the top it says Katy.  
6 Who's Katy?

7 A That would have been Katy Bustin, I believe.

8 Q Did you know her last name by that point?

9 A I did. I had interacted with her in our time both  
10 being employed at eBay.

11 Q And I think you indicated at some point you started to  
12 figure out who the shippers were. How did you figure out  
13 that Ms. Bustin was one of the shippers?

14 A I recalled that Ms. Bustin had interacted with both  
15 Mr. Crandall and Mr. Shamo at and outside of eBay, and just  
16 kind of put two and two together about who that was.

17 Q Could you read the series of text messages for us?

18 A Yes. From myself: Do you know when stuff is going to  
19 be ready today? I've got a family thing tonight, so I'd  
20 prefer to get it done early, if possible. From Katy: Yeah.  
21 Let me see when Shamo is planning on having orders for us.  
22 I replied with a thumbs up. Katy replied: What time do you  
23 need it by? I stated: The family thing is at seven, so if  
24 I'm done by then, that would be great. Katy replied: Okay.  
25 I might just have you pick up yesterday's. Haven't heard

1 from Shamo. And I replied: That's great. I'll do that if  
2 it gets to be around six and you haven't heard from him.

3 Q If you could keep going there.

4 A Katy replied: Sounds good. They're going to Lehi,  
5 though. Need more time. Just message me when you want to  
6 come. I replied: No, that's fine. I'm going south for my  
7 family anyways. And she replied: Sounds good, with an  
8 emoji. Should be ready at five. You want them now or in an  
9 hour? I replied: Sweet. I'll come by at six and grab  
10 everything. She replied: Perfect. And then about an hour  
11 later she replied -- or, excuse me, about 45 minutes later,  
12 she replied: They're out for you whenever. Going to Lehi  
13 and Riverton. Riverton drop is only eight packages thin.

14 Q Let's take a minute and look at that last message from  
15 Katy. Going to Lehi and Riverton. What did you understand  
16 that to mean?

17 A I understood that there were two separate batches of  
18 packages with two separate return addresses with -- return  
19 addresses in those specific cities.

20 Q And then she indicates Riverton drop is only eight  
21 packages thin. Will you kind of translate that for the  
22 jury.

23 A Yes. My understanding of that was the batch of  
24 packages that was addressed to Riverton was smaller than a  
25 normal batch, being only eight packages. I can't remember

1 specifically how much an average batch was. Maybe 20 to 30  
2 packages, if I were to guess.

3 Q So on that night, had you not been working with the  
4 agents, it would have required you to go to two different  
5 cities to find blue collection bins, correct?

6 A That's correct.

7 Q But rather than go to Lehi and Riverton, did you go and  
8 pick up these packages?

9 A Yes. I went and picked them up the same as the  
10 previous trip with the agents.

11 Q Same as before, your car, right?

12 A Correct.

13 Q And they followed behind?

14 A That's correct.

15 Q And did you take the packages to the police station  
16 again?

17 A Yes.

18 Q And that's where the agents took possession of them?

19 A That is correct.

20 Q Let me show you Exhibit 8.

21 THE COURT: Exhibit which?

22 MR. GADD: This is Exhibit 8.00.

23 And if we can also look at 8.03 on the screen.

24 BY MR. GADD:

25 Q Go ahead and take just a moment and look through those.

1 Do you recognize those?

2 A Yes, I do.

3 Q What are they?

4 A They appear to be the same type of packages that I was  
5 accustomed to shipping.

6 Q You can see on the screen these packages laid out. Do  
7 these appear to be the same packages as what's been folded  
8 down flat inside that box?

9 A It's hard to say without confirming the addresses on  
10 them, but yes, they do match the size, shape, and amount  
11 that I would expect.

12 Q So here there's just over 43 packages and parcels. Was  
13 that a more normal size amount for a pickup night?

14 A For a single night, yes, it was slightly more than  
15 normal.

16 Q You get the three sizes here in this picture as well,  
17 the large box and backs, and then the medium and the small.  
18 Were those normal sizes?

19 A Yes.

20 Q They're all priority mail. Do you remember a time when  
21 you weren't shipping priority mail?

22 A I don't recall anything specific about the shipping  
23 methods.

24 Q Were you ever asked to take it to anywhere other than  
25 like a post office or a blue collection bin?

1 A No. Those were the only locations that were used.

2 Q Never FedEx?

3 A No.

4 Q Never UPS?

5 A No.

6 Q Let's talk a minute about Mr. Shamo's residence. Have  
7 you ever been to Mr. Shamo's residence on Titian Way in  
8 Cottonwood Heights?

9 A Yes, many times.

10 Q How often would you say you've been there?

11 A At the time that we were working together, once every  
12 two to three weeks would be a guess for me.

13 Q Were you going there for business or social? Why would  
14 you go to his house?

15 A It was almost entirely business, though I do recall a  
16 handful of times that it was not business related.

17 MR. GADD: Could we look at 17.02.

18 BY MR. GADD:

19 Q Can you see that on your screen?

20 A I can.

21 Q I'm going to zoom in there on the top.

22 Do you see your name on it?

23 A I do.

24 Q What is this? Do you know?

25 A This appears to be a --

1 Q Do you want to zoom out? Would that help?

2 A No. It just appears to be, I would guess, an invoice  
3 for a package that was shipped to me from Canada.

4 Q Did you leave this in Mr. Shamo's residence when you  
5 were there for business?

6 A If it matches the type of packages that I received from  
7 Canada for Mr. Shamo, then yes.

8 Q Oh, I see, meaning if it were inside a package you gave  
9 to him, it might have gotten in there that way?

10 A Correct.

11 Q But you never actually put your fingers on this  
12 document, right?

13 A Not that I can recall at any time.

14 Q Can you think of any other reason why a document with  
15 your name on it might end up in Mr. Shamo's residence?

16 A No.

17 Q Let's look -- if we could look at the bottom half for  
18 just a minute.

19 Do you see there in description it says inert  
20 excipient, microcrystalline cellulose. Do you know what  
21 microcrystalline cellulose is?

22 A No, I don't.

23 Q I want to turn now and talk a little bit about evidence  
24 taken from Mr. Shamo's devices.

25 MR. GADD: Could we look at 13.09, pages 30 or



1 31 -- well, we'll look at them both.

2 BY MR. GADD:

3 Q Did you ever go inside Mr. Shamo's home office?

4 A Yes. I recall going in there a handful of times.

5 Q Did it look about like this?

6 A That seems to be correct.

7 Q Did you ever use either computer that was there?

8 A No.

9 Q There's a document that was found on his iMac, this one  
10 right here. I want to ask you some questions about it.

11 MR. GADD: Can we look at 14.35.

12 BY MR. GADD:

13 Q Do you recognize this first page of the document?

14 A I recognize it from when we had briefed about this  
15 earlier, but I do not specifically know what it was.

16 Q You didn't write this document, did you?

17 A No.

18 MR. GADD: Can we look at the next page.

19 BY MR. GADD:

20 Q Do you see your name on that one?

21 A I do, yes.

22 Q And was that your address at the time?

23 A Yes, it was.

24 Q Is that an address at which you received packages from  
25 Mr. Shamo?

1 A Yes, it was.

2 Q And you have no idea how it got on his computer?

3 A I would assume that it had been on his computer if it  
4 was used to procure these packages.

5 Q Let's take just a minute now and talk about the -- I'll  
6 call it the deal.

7 MR. GADD: Could we look at 23.02.

8 BY MR. GADD:

9 Q Do you recognize this document?

10 A Yes, I do.

11 Q This is your statement in advance of plea of guilty and  
12 plea agreement between you and the United States, correct?

13 A That is correct.

14 Q At the end of this -- and we'll scroll through it in a  
15 minute -- you signed this document?

16 A I did.

17 Q In court?

18 A Yes.

19 Q For pleading guilty?

20 A Correct.

21 Q Here on the first page, this letter --

22 MR. GADD: If you could pull up paragraph number  
23 one.

24 BY MR. GADD:

25 Q Did you, in fact, plead guilty to Counts 2, 3, 6 and 12

1 of the superseding indictment?

2 A I did, yes.

3 Q Were any of the charges that you faced dismissed?

4 A No, they were not.

5 Q You pled as charged?

6 A Correct.

7 Q By pleading as charged, were you trying to take full  
8 responsibility?

9 A I was.

10 MR. GADD: If we can zoom back out now.

11 BY MR. GADD:

12 Q There's this statement in advance of plea, but then at  
13 the end of it is an addendum.

14 MR. GADD: If we can scroll through to the  
15 addendum.

16 Okay. Starting here.

17 BY MR. GADD:

18 Q This is -- for lack of a better term, this is the  
19 agreement between you and the United States, correct?

20 A Yes, that's correct.

21 Q Picking up in the second paragraph, does it say the  
22 defendant, that's you, agrees to testify truthfully and  
23 completely for the United States in any subsequent court  
24 hearing or trial relating to this case if called upon?

25 A It does.

1 Q Did you agree to wait to be sentenced until all the  
2 remaining defendants in your case had been sentenced?

3 A Yes, I did.

4 MR. GADD: Then if we could go to the next page,  
5 that top paragraph.

6 BY MR. GADD:

7 Q If you testify truthfully and completely, was it the  
8 agreement that the United States would present your  
9 cooperation to the court -- that's Judge Kimball, correct?

10 A Yes.

11 Q -- for his consideration at your sentencing under that  
12 Sentencing Guideline 5K1.1, and did you understand that to  
13 mean that if you had a minimum mandatory sentence for one of  
14 the counts you pleaded guilty, there would no longer be a  
15 minimum mandatory sentence?

16 A That is my understanding, yes.

17 Q And then it says the United States also agrees not to  
18 charge or seek a charge against you for death resulting  
19 violations of -- and then Title 21 United States Code  
20 841(a)(1) -- that may arise out of the continuing  
21 investigation into overdose deaths tied to the Pharma-Master  
22 drug sales. That was your understanding as well, correct?

23 A Yes, that's correct.

24 Q Was there any other agreement?

25 A Not to my knowledge, no.

1 Q You understand that one day soon you're going to be  
2 standing here and Judge Kimball will be sentencing you?

3 A I do.

4 Q Is it your understanding that I, United States, we are  
5 going to tell Judge Kimball everything you did wrong?

6 A Yes.

7 Q And then everything you did to help make it right?

8 A Yes.

9 Q You understand that the sentence is 100 percent up to  
10 Judge Kimball?

11 A I do.

12 Q Let's talk now about the hard questions.

13 In 2016, when you were picking up packages off the  
14 doorstep in Daybreak, you knew those packages probably  
15 contained drugs, didn't you?

16 A I did.

17 Q So why did you help Aaron Shamo?

18 A I helped because at the time when this began, my  
19 understanding of the operation was something that I was -- I  
20 was told and made to believe wasn't going to be harming  
21 anyone, and it was easy money to make. It was something  
22 that I believed would be not necessarily in the right, but  
23 also not in the wrong. And when it obviously transformed  
24 into what it became, I became extremely distraught and  
25 uncomfortable with what had happened.

1 Q You say you became distraught and uncomfortable, but  
2 when? When was the first time you realized what was going  
3 on?

4 A I would say it was when I was questioned by agents that  
5 had a search warrant, when they made it clear that this was  
6 Fentanyl that was being prepared and shipped.

7 Q Last question. Who was your boss?

8 A Can you clarify what you are asking?

9 Q That was a bad question so it wasn't the last.

10 When it came to picking up the packages, putting them  
11 in the mail stream, who was your boss?

12 A Aaron Shamo, without a doubt.

13 Q Did you have any other bosses?

14 A I would say Drew Crandall would have qualified as that  
15 at the time when I had known he was involved.

16 Q Back in 2015?

17 A Correct, before he left the country.

18 Q But in 2016, any bosses?

19 A Other than Aaron Shamo, no.

20 MR. GADD: No further questions. Thank you.

21 THE COURT: Thank you.

22 Defense may cross-examine.

23 CROSS-EXAMINATION

24 BY MR. SAM:

25 Q Hello, Mr. Gygi. I'm going to introduce myself to you

1 for the first time -- I wasn't here on Friday -- Daryl Sam,  
2 and I represent the defendant, Mr. Shamo. I appreciate you  
3 being here today and I know that it's a big day.

4 So I'd like to ask you a few questions and ask you  
5 about your life a little bit. You started off by saying you  
6 have a dog; is that right?

7 A Two, yes.

8 Q You've got two dogs. Okay. And you value that pretty  
9 highly, I guess, in your personal life.

10 You also snowboard too; is that correct?

11 A It's been a while, but yes.

12 Q You were snowboarding back in 2016, I guess, when you  
13 had that conversation with Mr. Shamo. You were discussing  
14 that, right?

15 A That's correct.

16 Q In fact, before that eventful day on November 17th when  
17 law enforcement came, you had already started planning to go  
18 to Colorado; is that right?

19 A Yes.

20 Q That plan was in the works?

21 A It was, correct.

22 Q And part of that was you talked about -- when you  
23 talked to Mr. Shamo, you talked about an Epic Pass as well;  
24 is that right?

25 A That's correct.

1 Q So Colorado was a great destination for you; is that  
2 right?

3 A Correct. I didn't have that pass at the time, but that  
4 was what I was planning.

5 Q And then you also stated earlier that you were there  
6 when packages were opened; is that correct?

7 A Correct. I don't believe that was in 2016, but rather  
8 2015.

9 Q So early on you were getting packages and you would  
10 open them in the presence of Mr. Shamo; is that right?

11 A I wasn't the one who opened them, but I was present  
12 when they were opened, yes.

13 Q And was Mr. Crandall there as well?

14 A Absolutely.

15 Q And was that because you were using what was in the  
16 package; is that correct?

17 A While I was using those drugs, I was not using the ones  
18 that specifically came from those packages.

19 Q But those are substances that you were using?

20 A Yes.

21 Q LSD, marijuana --

22 A That's correct.

23 Q -- cocaine; is that correct?

24 A Not cocaine.

25 Q Not cocaine. Okay.



1           So in May of 2017, you interviewed with agents; is that  
2 right?

3       A     In May, yes, that is correct.

4       Q     About six months after.

5           And just to clarify too, there was a search on  
6 November 17th of your home, is that correct, of 2016?

7       A     Yes, that's correct.

8       Q     And you were not detained at that point; is that right?

9       A     I was -- I voluntarily went for questioning. I was not  
10 detained.

11       Q     So you got to sleep in your own bed that night?

12       A     After it had been tossed around, yeah.

13       Q     And have you ever spent a night in jail?

14       A     I have not.

15       Q     You never have?

16       A     No.

17       Q     Okay. And then six months later, approximately in May  
18 of 2017, you sat down with agents --

19       A     Yes.

20       Q     -- and spoke with them; is that right?

21       A     Yes, that is correct.

22       Q     Okay. And you opened up with the agents at that point  
23 and talked about a lot of things.

24            You stated that you left eBay in January of 2015; is  
25 that correct?

1 A I believe -- yes, January 2015, that's correct.

2 Q And did you pick up other work after that in 2015 --  
3 other regular full-time employment?

4 A No. My employment consisted entirely of the operation  
5 that had been run by Mr. Shamo and the others.

6 Q So you were depending totally, financially, on the  
7 operation; is that correct?

8 A That is correct.

9 Q And at that point, in January 2015, you were a receiver  
10 of packages; is that right?

11 A That is correct.

12 Q And you testified you were making about 50 to \$100 at  
13 that point, per package; is that right?

14 A That's correct as well.

15 Q So you were making about 100 to \$200 a month at that  
16 point; is that correct?

17 A That seems like an appropriate number, yes.

18 Q Not a lot to live on at that point?

19 A No. I had other money saved that I was using for  
20 living expenses.

21 Q Okay. And as things progressed, you pushed Mr. Shamo  
22 for more work; is that right?

23 A I did exactly that. I brought up the request for more  
24 work later on in 2015 when my savings began to run low.

25 Q So you had some savings, and when things started to get

1 tight, you approached Mr. Shamo about more work?

2 A Yes, that's correct.

3 Q That was about what time, mid 2015?

4 A I would say it was probably about May or June that I  
5 approached him, and then June or July that I began acting as  
6 a courier, a runner.

7 Q Okay. So was it June 2015 you started acting as a  
8 courier. How much did you get paid at that point?

9 A That was \$2,000 every other week.

10 Q So beginning in June 2015, you're making about 4,000 a  
11 month?

12 A Yes.

13 Q Okay. And you stated that you didn't come to know  
14 about the Fentanyl until the day of the search when you were  
15 told; is that correct? Is that your testimony?

16 A That is correct.

17 Q And you started making more money doing this. And what  
18 was the volume like in June of 2015?

19 A Can you clarify what volume you're asking about?

20 Q Well, the volume of how many -- the amount of packages  
21 that you were moving.

22 A Receiving or shipping?

23 Q Shipping.

24 A I would estimate that there was, by my recollection,  
25 about 20 to 30 packages per night, five to six nights per

1 week.

2 Q Okay. And at the end here, there were about -- what  
3 was the volume when you helped investigators on  
4 November 18th?

5 A If I recall correctly, it was roughly the same. Maybe  
6 slightly more than that. Maybe it had bumped up to about 30  
7 to 40 packages per night, but I believe it was still right  
8 around 30 being the average.

9 Q Okay.

10 MR. SAM: If we could pull up Exhibit 23 -- I  
11 believe it's 23.02. If we can pull that up.

12 This is a copy of your plea agreement.

13 If we could go to page two. Actually, let's go  
14 back to page one.

15 BY MR. SAM:

16 Q Count 2, conspiracy to distribute Fentanyl, you pled  
17 guilty to that; is that correct?

18 A I did, yes.

19 Q And why did you plead guilty to that if you had not had  
20 knowledge of it?

21 A I believe I pled guilty to that because that was the  
22 agreement that the United States government had reached with  
23 myself and my attorney. If I recall correctly, they had not  
24 wanted to budge on any of those charges.

25 Q It could have been maybe they didn't believe you, but

1 that was a moment of truth that came to you on  
2 November 17th?

3 A That could be the case, yeah.

4 Q Because you were making substantial money from this and  
5 it was a livelihood for you; is that correct?

6 A It was, absolutely.

7 Q And you had aspirations of going to Colorado and  
8 getting an Epic Pass, and kind of continuing on this path;  
9 is that right?

10 A Yes.

11 Q Okay. And then on page two, if we could go down to the  
12 potential penalties of what you can get. It's your  
13 understanding that just for pleading to conspiracy to  
14 distribute Fentanyl, you could get ten years --

15 A Yes, I understand.

16 Q -- as a minimum mandatory?

17 A That was made clear at my change of plea.

18 Q And a life maximum -- a life top, right?

19 A Correct.

20 Q And so it's your hope in coming here today and  
21 testifying, and then also entering this plea, is that you  
22 hope to avoid any substantial sentence; is that right?

23 A Well, I understand that actions have consequences. So  
24 I only hope that my sentence is fair considering my  
25 cooperation and my actions.

1 Q I mean, you're fortunate to be alerted right off the  
2 bat as this was all coming down and had that opportunity.  
3 Do you feel fortunate that you were in that position?

4 A Yes. I feel fortunate that I was given a chance to do  
5 the right thing.

6 Q Would you take Mr. Shamo as somebody that would be able  
7 to be smart enough to run a drug organization?

8 A I would take him as someone who's smart enough to  
9 maintain the operation on his own.

10 Q So between Drew Crandall and Aaron Shamo, as far as the  
11 technicality of pressing pills and putting formulas  
12 together, who would you say would be better at that?

13 A I don't know. I don't know either of their expertise  
14 when it comes to chemistry, so things like putting together  
15 formulas. But as far as the other half of your question, I  
16 would say Mr. Crandall was more in tune with what that would  
17 require.

18 Q In fact, when you interviewed with agents in May of  
19 2017, you said that, correct, that you felt that  
20 Mr. Crandall would have the knowledge to do things where  
21 Mr. Shamo would not, as far as pressing pills?

22 A I don't recall specifically stating anything about  
23 pressing pills, but I do recall in my testimony agreeing --  
24 or, excuse me, not my testimony, my interview with agents,  
25 agreeing that Mr. Crandall was smarter for that kind of

1 stuff.

2 Q And it's your opinion that Mr. Shamo would not be able  
3 to run this operation without some major help?

4 A That's my opinion, that he wouldn't be able to set up  
5 the operation without additional help. Running it is  
6 another question entirely.

7 Q So your testimony is running -- or that setting it up,  
8 he would not have the expertise in doing that?

9 A That is correct.

10 Q You felt like Crandall was there in the beginning and  
11 kind of got things off the ground, then?

12 A Yes, I definitely do.

13 Q And without Crandall, this would have never turned into  
14 this?

15 A I think that's a fair assessment, yes.

16 MR. SAM: Just a moment.

17 THE COURT: Sure.

18 MR. SAM: I have no further questions, Your Honor.

19 THE COURT: Thank you.

20 Redirect?

21 REDIRECT EXAMINATION

22 BY MR. GADD:

23 Q The first thing I wanted to bring up was just to  
24 clarify. There were a few questions you got asked and a few  
25 responses that referred to you acting as a courier in 2015.

1 So I was hoping we could clarify the date. Was it 2015 or  
2 2016 that you started?

3 A Can you clarify when it was that the search warrant was  
4 served?

5 Q So if the search warrant was November of 2016, how many  
6 months before that would you have started?

7 A It would have been June or July 2016, not 2015.

8 Q So for the questions that you were asked, it was  
9 talking about 2015.

10 Your time as a courier was just a few months, right?

11 A That is accurate, yes.

12 Q And that was 2016?

13 A Correct.

14 MR. GADD: Could we look at 23.02 again, and could  
15 we go to paragraph 11.

16 BY MR. GADD:

17 Q You got asked a question about not knowing it was  
18 Fentanyl and still pleading guilty. Let's look at paragraph  
19 11 together.

20 So as part of your statement in advance of plea,  
21 there's facts in there, and you stipulate and agree that the  
22 following facts accurately describe your conduct. That's  
23 part of it, correct?

24 A Yes, that is correct.

25 Q I want to ask you again, after I read through this, if



1 it's still true. In 2015, I agreed with Aaron Shamo and  
2 other co-conspirators to accept packages of drugs addressed  
3 to me at my address. I would then transfer the drug  
4 packages to Shamo. Shamo paid me for each package I  
5 accepted on his behalf. I continued to accept packages on  
6 Shamo's behalf in 2016.

7 On November 17th, 2016, one of those packages -- sent  
8 from China and addressed to me at my address -- was seized  
9 by law enforcement after it entered the United States Mail  
10 system. The package contained more than 40 grams of  
11 Fentanyl. I knew the packages I had been receiving  
12 contained controlled substances. I also knew that the  
13 packages would enter the United States -- they were being  
14 shipped to me from China.

15 In 2016, I became a runner for Shamo's organization.  
16 Approximately five nights a week, I would drive to the  
17 residence of Tonge and Bustin and pick up packages and  
18 envelopes, all within the District of Utah, that were ready  
19 to be mailed in the U.S. Postal system. The packages and  
20 envelopes contained drugs. I would then drop off the  
21 packages and envelopes at post offices scattered throughout  
22 the Salt Lake Valley. I staggered the post offices from  
23 which I sent the packages in an attempt to avoid detection  
24 by law -- if we can jump to the next page -- enforcement.  
25 The packages I mailed contained both Fentanyl-laced pills

1 and alprazolam tablets. I continued to ship packages and  
2 envelopes of drugs for the Shamo organization until  
3 November 2016.

4 My co-conspirators and I each had a role to play and we  
5 relied upon each other to meet our common objective: To  
6 earn money by selling drugs. I knowingly and voluntarily  
7 involved myself with Shamo and my other co-conspirators. It  
8 was my free choice to do so.

9 Is any of that untrue?

10 A No. That is completely true.

11 Q You got asked questions about Mr. Shamo's ability, his  
12 aptitude. Specifically I think you said that you weren't  
13 sure he would have the ability to set up an organization  
14 that led to these types of results, correct?

15 A Correct.

16 Q But you talked about running and maintaining it. Why  
17 do you say that he might be capable of running or  
18 maintaining it?

19 A Well, because setting it up would require a lot of  
20 specialized technical knowledge about how to access the dark  
21 web where the drugs were sold, how to set up accounts, all  
22 that kind of stuff.

23 As far as maintaining, I believe it would be fair to  
24 say that just about anyone could be taught how to maintain  
25 something that has already been built.

1 Q So in a sense you have given the jurors an opinion  
2 about Mr. Shamo's ability, his aptitude?

3 A That's correct.

4 Q If you found out that Mr. Shamo was the one who did all  
5 the setting up on the dark web, would it change your  
6 opinion?

7 A Yes. It would definitely change my opinion.

8 Q If you saw the thousands of Internet searches he did on  
9 these and related topics, would it change your opinion?

10 A It very well could, yes.

11 Q And to be fair, no one has shown you those Internet  
12 searches, right?

13 A That's correct.

14 Q Did you see, either on the news or elsewhere, the money  
15 that came out of his house?

16 A Yes. I recall seeing that on the news.

17 Q What did you think when you saw that?

18 A I was astounded at the sheer volume of cash that was on  
19 hand, both in total amount and number of bills, how large  
20 the amount was.

21 MR. GADD: Nothing further. Thank you.

22 THE COURT: Thank you, Mr. Gadd.

23 Recross, Mr. Sam?

24 //

25 //

RECROSS-EXAMINATION

BY MR. SAM:

Q So you were asked about maintaining or keeping up this operation, correct?

A Correct.

Q As far as this operation goes, the reason why you're here to take responsibility is it would have been impossible for something like this to be run without some structure, without somebody like you picking up the drugs and going out throughout the valley and dropping them off in different locations; is that correct?

A Correct. There was quite a bit of structure in how the operation was handled and built.

Q There's a lot of detailed instructions as far as your responsibility. You were being paid \$4,000 a month to go drop off packages, correct?

A Correct.

Q So you had a -- and I wanted a clarification too, in that when you were wired with Mr. Shamo and had that conversation that we went through, you made the statement that you were going to get paid 3,000 biweekly. Is that what you said in there? Do you remember that?

A I believe I asked for clarification about how much, asking if it was either four or 5,000, and Mr. Shamo clarified that normally it would be 2,500, and he would make

1 it 3,000 for me.

2 Q Okay. And what was the time period? So you're saying  
3 four or 5,000 a month?

4 A No, biweekly.

5 Q Oh, biweekly. And when you say biweekly, what did that  
6 mean, twice a week or twice a month?

7 A Twice a month, every other week.

8 Q Okay. I just wanted a clarification on that, how much  
9 money we're talking about. But we're talking about between  
10 five or \$6,000 a month is what you were anticipating going  
11 to Colorado to do this?

12 A I would say I was anticipating, at the start of that  
13 conversation and prior to this, that it would be between six  
14 and \$10,000 all together per month. Mr. Shamo clarified  
15 that it would be 6,000 all together per month.

16 Q So that was something that you were comfortable with,  
17 and that's why you're taking responsibility here, because  
18 that was a substantial position in the company -- or the  
19 operation, and you would be compensated for it, and you  
20 recognize that that was something that was a major part of  
21 the operation?

22 A Yes. I definitely understood the seriousness of my --  
23 what my responsibility would be in the operation with that.

24 Q And you were just one -- you were just one part of the  
25 organization; is that your understanding? There was a lot

1 of other things going on?

2 A Yes, correct.

3 Q And that's why you say as far as Mr. Shamo setting this  
4 up, he wouldn't have had the ability to set this all up on  
5 his own?

6 A That's how I've testified, yes, correct.

7 Q And there were other things -- you were going to take  
8 over a position of shipper, what Ms. Tonge and Ms. Bustin  
9 were doing, in Colorado; is that right? You would fill that  
10 role in Colorado?

11 A That was my understanding as well, yes.

12 Q And had you been trained in that? Did you know what  
13 that fully was going to entail?

14 A No, I did not.

15 Q Okay. But you understood that it was somewhat intense,  
16 from your observation?

17 A Can you clarify what you mean by intense?

18 Q Well, I mean it was substantial. You were involved  
19 with picking up packages. So you'd pick up 20 to 30  
20 packages a night; is that correct?

21 A That is correct.

22 Q And so there was some work that had to be done to  
23 produce that?

24 A Correct. My understanding was it would be preparing  
25 those packages.

1 Q As far as the detail of how that all happened, you  
2 didn't know at this point; is that correct?

3 A I didn't get any specifics about that.

4 Q But you expected to get some training if you were going  
5 to Colorado, that you would be prepped on that, what the  
6 details of that would be?

7 A Correct.

8 Q Okay. All right.

9 I don't have any further questions for you.

10 THE COURT: Thank you.

11 Are we done with this witness?

12 MR. GADD: Please.

13 THE COURT: You may be excused. Thank you.

14 Ready for more witnesses?

15 MR. STEJSKAL: The next witness will be rather  
16 lengthy and take the rest of the day. So I don't know how  
17 the Court wants to do that as far as charging forward.

18 THE COURT: I was thinking we'd try to go to about  
19 quarter after 2:00, or 2:30. Will it take longer than that?

20 MR. STEJSKAL: I'm not sure.

21 THE COURT: All right.

22 It's been pointed out to me that I don't take  
23 enough restroom breaks for the jury. So if we're going to  
24 go another hour or hour and 15 minutes or so, any of you  
25 want to go and take a break, do it.

1 I see no people moving.

2 MR. GADD: I might take Your Honor up on that.

3 THE COURT: All right. Let's take a seven-minute  
4 break or so.

5 (Jury excused)

6 THE COURT: Just hang on a second, Mr. Gadd, if  
7 you can.

8 On this thing we've been talking over, I ruled  
9 somewhere along the way that people can leave.

10 You don't need to keep standing and listening to  
11 this if you don't want to.

12 I'm looking at document 218, which is the chart on  
13 page seven of the government's reply to defendant's response  
14 in opposition to motion for order that was filed on the 17th  
15 of May. Do you know the document I'm talking about?

16 MR. SKORDAS: Yes.

17 THE COURT: What I'm trying to do as well as I can  
18 is police the boundaries between permitted and not  
19 permitted, which is sometimes maybe not as clear as it might  
20 be, but that's what I'm trying to do. I'm not persuaded yet  
21 that we need any curative instruction. And if one of you  
22 thinks the other is violating this, you ought to object and  
23 then we can talk about it.

24 Anyway, that's generally what I'm trying to do.

25 MR. GADD: Certainly. Would it help if I put just



1 something very quickly in writing? And perhaps as I'm  
2 writing it, I'll realize my error and I won't submit it.  
3 But if I can make sense of it and put it in writing, could I  
4 submit that?

5 THE COURT: Yeah, that would be fine, and I'll  
6 have it in the morning when I get here.

7 MR. GADD: Thank you.

8 THE COURT: Now go to the bathroom, if you need  
9 to.

10 (Recess)

11 (Jury present)

12 THE COURT: Mr. Stejskal, you may call your next  
13 witness.

14 MR. STEJSKAL: Thank you, Your Honor. I would  
15 call Agent Ely Hebert.

16 THE COURT: Come forward and be sworn, please.

17 ELY HEBERT,

18 Having been duly sworn, was examined

19 and testified as follows:

20 THE CLERK: Come to the witness box.

21 Please state your name and spell it for the  
22 record.

23 THE WITNESS: My name is Ely Hebert. Spelled  
24 E-l-y. Last name is spelled H-e-b-e-r-t.

25 THE COURT: You may proceed, Mr. Stejskal.

DIRECT EXAMINATION

BY MR. STEJSKAL:

Q Your occupation, please.

A I'm a special agent with the Drug Enforcement Administration.

Q Commonly referred to as the DEA?

A That's correct.

Q How long have you been with the DEA?

A Next May will be 17 years.

Q All in Salt Lake?

A No, sir. I was originally assigned to San Ysidro, California, and after that Casper, Wyoming, and then Salt Lake City.

Q And San Ysidro, that's near San Diego?

A That's correct.

Q Did you receive specific training in order to become a DEA agent?

A When I joined DEA in 2003, I went to the DEA Academy in Quantico, Virginia, where they trained us to investigate drug trafficking organizations.

Q And what kinds of things specifically? Surveillance, undercover, that type of stuff?

A That's correct, surveillance, undercover drug identification, report writing, things of that nature.

Q And did you receive periodic updated trainings as your

1 career progressed?

2 A Yes, sir.

3 Q Some of that in Quantico, some of that in Denver, some  
4 of that in other places?

5 A Correct. We have training in various places throughout  
6 the country as things arise. For example, I went to a  
7 financial investigation seminar in San Francisco, updating  
8 our training.

9 Q And tell me about your experience, then, throughout  
10 your career with the DEA. What kind of things did you  
11 investigate?

12 A When I was in California, I was a -- our enforcement  
13 group, we investigated pretty much everything. We did  
14 wiretap investigations. We did gang investigations. You  
15 know, it was -- San Ysidro is very close to the Mexican  
16 border, so we did across border investigations,  
17 international controlled deliveries where if drugs would  
18 come up into the United States, we would deliver them and  
19 see where they were going, and continue on from there.

20 Q And during your lengthy career, had there been drug  
21 trends where one drug is kind of popular and then all of a  
22 sudden there's a new or different drug that becomes popular?

23 A There does seem to be cyclical things that occur. For  
24 example, when I started in San Ysidro, methamphetamine was a  
25 big thing. After several years, that reduced a little bit,

1 and now it seems to have come back. So things of that  
2 nature, they do change.

3 Q And how long have you been in the Salt Lake office?

4 A Since 2012.

5 Q And between 2012 and the present day, did you receive  
6 any special assignment or special group to investigate a  
7 particular type of drug?

8 A So I currently work in the DEA, what's called the  
9 tactical diversion squad.

10 Q And tell us what you mean by tactical diversion squad.

11 A What we do in the tactical diversion squad is we  
12 investigate diverted pharmaceuticals. For example, if  
13 people are getting pills such as Oxycodone from doctors and  
14 then they're selling them on the street, we would  
15 investigate things like that. Or if people are making pills  
16 on their own, we investigate -- we're commonly called the  
17 pill group. So that's what we focus on. That's what we do.

18 Q And there are a number of other agents and officers  
19 from other police agencies that work with you in that group,  
20 correct?

21 A DEA has task force officers. For example, right now we  
22 have officers from the Salt Lake City Police Department.  
23 We've had officers from South Jordan, the other local  
24 agencies that work with us.

25 Q And as a DEA agent, do you also work with other federal

1 agents in your investigations?

2 A Yes. For example, one of our team members right now is  
3 the United States Postal Inspector, and she is part of our  
4 group currently.

5 Q You've also worked with the FBI, correct?

6 A Yes, sir.

7 Q You've worked with Homeland Security?

8 A Yes.

9 Q You've worked with Customs and Border Protection.

10 A Correct.

11 Q You've worked with ATF on firearm type issues?

12 A Yes, if they arise.

13 Q I'm sure there are others that I'm not mentioning.

14 Anyway, it's a collaborative effort to work on the  
15 diversion or manufacturing of what could be pills or  
16 pharmaceutical drugs?

17 A Absolutely. We need resources from every agency. In  
18 my experience, the cases that I've worked, most of those  
19 cases start at the local level. A patrol officer might find  
20 something in a car, for example, something like that, and  
21 then we can assist them because we have different resources.

22 Q So sometimes other agencies will turn to the DEA and  
23 say this is what I've got, can you help?

24 A Yes.

25 Q And is that a little bit of how your involvement or

1 DEA's involvement into this investigation originated?

2 A Yes, it is.

3 I was working with my partner, TFO Dennis Power, who  
4 was --

5 Q By TFO, you mean task force officer?

6 A I'm sorry. Task Force Officer Power. He was employed  
7 at the time by South Jordan Police Department, and became a  
8 task force officer with us. He had worked with an HSI  
9 agent, Dan Ashment, and they had collaborated to start this  
10 investigation. HSI Agent Ashment had received some  
11 information from his office in California, which began with  
12 Customs and Border Protection seizing a package.

13 Q And what was ultimately in that package?

14 A That package contained Fentanyl.

15 Q Let's pull up Exhibit 1.03. Do you recognize that?

16 A Yes, I do.

17 Q What is that?

18 A That's an original package in this investigation that  
19 was addressed to Ryan Jensen in Midvale, Utah.

20 Q And is that the second page?

21 A Yes, sir.

22 Q There's three pages to this. If we can scroll through  
23 those.

24 So it was addressed to Ryan Jensen. And what was given  
25 to DEA to investigate, then?

1 A I'm sorry. Given to who?

2 Q Was the package itself, not the contents but the box  
3 actually --

4 A The box was sent from California to Salt Lake. Then  
5 the contents, the powder, was sent to the laboratory in  
6 California.

7 MR. STEJSKAL: And, Your Honor, may I just  
8 continuously approach with these exhibits without asking  
9 permission?

10 THE COURT: You may.

11 MR. STEJSKAL: I appreciate that. Thank you.

12 BY MR. STEJSKAL:

13 Q I'm going to hand you Exhibit 1.02.

14 Can you identify that, please.

15 A Yes. This is the package identified -- this is the  
16 actual box identified in the picture that was sent from  
17 California to Salt Lake.

18 Q And so the jury understands, there's always stickers on  
19 these envelopes we've got. What's the DEA process as far as  
20 receiving evidence and documenting so we keep track of  
21 things?

22 A In this particular example, Task Force Officer Power  
23 and I went to the HSI -- Homeland Security Investigations  
24 Office, which is located in West Valley, and we acquired  
25 this box from HSI Agent Ashment, brought it back to our

1 office, and we processed it as evidence. That means placing  
2 it in this bag. We write our names on it, the date it was  
3 acquired, the exhibit number, in this case N1. N stands for  
4 nondrug, since this isn't a drug exhibit, and this was  
5 number one in this investigation.

6 We also sign, date, and initial the top. This is a  
7 self-sealing envelope. So after we sign and date it, we  
8 take off the sticky part and fold it over, and then we place  
9 it in our nondrug evidence room.

10 Q And DEA here in Salt Lake has a secure nondrug evidence  
11 room that keeps all this stuff and only very limited DEA  
12 employees have access, correct?

13 A That's correct. We have different evidence custodians.  
14 In this case it would be a nondrug case custodian who took  
15 possession of this item. We turn it over on a form.

16 Q And then you talk about the sealings. So you sign over  
17 the seal, and then any time that package is opened, there's  
18 a process you go through to keep track of who opened it and  
19 when?

20 A That's correct. This particular package has not been  
21 reopened, but there's even the picture of scissors there.  
22 So we just cut along there. And we would take it out if we  
23 needed to, which happened with other exhibits in this case.  
24 And then we would reseal it, and would write down that we  
25 resealed it, and the date. And then we would put a new



1 evidence sticker on and heat seal it across the bottom.

2 Q So, again, 1.02 that you have, the physical box there,  
3 that's the same thing we're looking at as 1.03 on the  
4 screen, the photos, correct?

5 A Yes, that's correct. The numbers match.

6 Q So DEA Salt Lake was given this package with this  
7 information, with the Jensen address on there, and requested  
8 to follow up with the investigation, correct?

9 A That's correct.

10 Q And so DEA did some research and surveillance and tried  
11 to figure out who this Jensen was and what he was about?

12 A Correct.

13 Q Ultimately was there a search warrant on Mr. Jensen's  
14 house on November 1st of 2016?

15 A Yes, there was.

16 Q And really nothing of significance found?

17 A We did not remove evidence from Mr. Jensen's house at  
18 that time, no, sir.

19 Q And describe Mr. Jensen's attitude, cooperation, lack  
20 thereof on that date.

21 A Mr. Jensen cooperated. He was -- we first conducted a  
22 traffic stop on him after he left his house. Agent Bryan,  
23 who's now retired, and TFO Power approached him in his  
24 vehicle. He cooperated. We went -- actually wound up going  
25 in through his garage because he had given us the code to

1 his garage. So we didn't force entry. And we went inside.  
2 We encountered some of his roommates.

3 As I noted, we didn't take any evidence. And he spoke  
4 with investigators at that time. Not myself, I did not  
5 speak with -- I did not interview him at that time.

6 Q And partners at DEA were also conducting an  
7 investigation to try to figure out the common link of  
8 packages in this investigation?

9 A Yes, sir.

10 Q And what was determined?

11 A I'm sorry?

12 Q Was there a common link among the packages coming to  
13 Salt Lake as far as -- let me ask a different question.

14 November 16th of 2016, did Homeland Security give you  
15 guys another package?

16 A Yes, sir.

17 Q And do you recall who that was addressed to?

18 A I believe that one was Sean Gygi.

19 Q Let's look at Exhibit 3.00.

20 MR. STEJSKAL: If we could get closer up on that.

21 BY MR. STEJSKAL:

22 Q So this one says location acquired, Utah County.

23 A I'm sorry. I was incorrect. This one was Julian  
24 Mausia.

25 Q M-a-u-s-i-a?

1 A Correct.

2 Q He pronounces it Mausia, as far as you know?

3 A As far as I know.

4 Q Okay. And what was in that package?

5 A Mr. Mausia was stopped in Utah County, and I believe at  
6 a traffic stop that I wasn't involved with. I'd have to see  
7 the report on this.

8 Q Homeland Security gave you this package?

9 A Correct.

10 Q And your name is there with Task Force Officer Power  
11 processing this, correct?

12 A Correct.

13 Q And you ultimately sent this one to the DEA lab?

14 A Yes.

15 Q And that turned out to be Fentanyl as well?

16 A Correct.

17 Q Now let's talk about the next one, which you've already  
18 referred to. Let's look at Exhibit 2.03.

19 Do you recognize that?

20 A Yes, sir.

21 Q Who's that addressed to?

22 A To Sean Gygi.

23 Q Okay. And that's my fault for being a little out of  
24 order here.

25 So that was November 15th of 2016?

1 A Yes.

2 Q And that was given to you and Task Force Officer Power  
3 for investigation?

4 A Correct.

5 Q Let's look at the next page. Where does that come  
6 from?

7 A It comes from China Post.

8 Q And did that have any significance to you at this point  
9 in the investigation?

10 A Yes. We already had this package that went to Ryan  
11 Jensen, also from China.

12 Q So there was a pattern here, correct?

13 A Yes, sir.

14 Q All right. Let's go through the rest of these photos  
15 here.

16 What's that showing?

17 A That's showing the package to Sean Gygi where we put it  
18 on a scale -- it was put on a scale.

19 Q Okay. And it was relatively heavy?

20 Anyway, 7.6. And then that was the contents there?

21 Next page.

22 A Yes, that was inside.

23 Q What is that?

24 A This is a package that was inside of a box. It has  
25 some lettering in a different language. It has some English

1 on it.

2 Q Next page.

3 That's the back apparently?

4 A Back of a package, yes, sir.

5 Q Next page.

6 And what is that?

7 A This is a powder that was inside of that package that  
8 was inside of the box. It had AL on it already written out.

9 Q And that was sent to the DEA lab?

10 A It was.

11 Q And what was that determined to be?

12 A It was determined to be Alprazolam.

13 Q And what is Alprazolam, based on your training in  
14 pharmaceuticals?

15 A It's the ingredient to make Xanax.

16 Q I will show you 2.02.

17 Can you tell us what that is?

18 A This is the actual box that was sent to Sean Gygi which  
19 contained the Alprazolam.

20 Q So that's what we've been looking at here in the photos  
21 on the screen?

22 A Yes, sir.

23 Q So that was November 15th that you were given this  
24 package with Mr. Gygi's name on it. How did the  
25 investigation of Mr. Gygi progress?

1 A Task Force Officer Power ended up doing a search  
2 warrant for the residence of Mr. Gygi.

3 Q And that would be the address on the package there?

4 A Yes, this one in Midvale. It's 1003 Floret Lane,  
5 apartment 14-L, in Midvale, Utah.

6 Q So a search warrant was conducted on his residence  
7 there?

8 A It was.

9 Q Was Mr. Gygi there?

10 A He was.

11 Q And describe the interactions with him.

12 A We conducted a search warrant in his residence. We did  
13 find some drug items, including various petals of marijuana.  
14 And we spoke with him. He agreed to come to the office for  
15 an interview.

16 Q And he was interviewed at the office?

17 A That's correct, at the DEA office.

18 Q And at that interview was he told what was in the  
19 packages?

20 A During the course of that interview we did inform  
21 Mr. Gygi that there was Fentanyl inside of the packages,  
22 yes, sir.

23 Q And what was his reaction?

24 A He was surprised. He had told us that he thought it  
25 was MDMA, club drugs.

1 Q That's what he had said at the interview up to that  
2 point?

3 A Yes, sir.

4 Q And, again, what was his reaction? Did his demeanor  
5 change at all?

6 A It did. He was -- I don't know if you want to say  
7 surprised.

8 Q Okay. And he was allowed to leave. He was not  
9 arrested at that point, correct?

10 A That's correct.

11 Q Did law enforcement have more contact with Mr. Gygi,  
12 then, the next day?

13 A Before Mr. Gygi left, I told him that -- we told him to  
14 call us, and I believe I gave him TFO Power's phone number  
15 before he left our office.

16 Q Okay. And did he then call the next day?

17 A Yes.

18 Q And was he interviewed?

19 A He was.

20 Q And what did he say?

21 A We went out to his residence again and met him there,  
22 where he told us he wasn't aware that it had been Fentanyl  
23 and he wanted to cooperate with us.

24 Q And gave a fairly detailed statement about what he had  
25 been up to?

1 A He did. He said that he was shipping packages and that  
2 he was being paid to do that.

3 Q Did he identify some of the people he was involved  
4 with?

5 A He said -- he mentioned a female that he knew by the  
6 name of Katy, and that he would pick up the packages from  
7 her. He identified Mr. Shamo and said he was working with  
8 him. He agreed to contact Mr. Shamo at that time.

9 Q And did agents then set up a meeting between Mr. Gygi  
10 and Mr. Shamo?

11 A Yes. Mr. Gygi was able to contact Mr. Shamo and ask  
12 him to come over to his apartment.

13 Q And is that the recording that we heard in court  
14 earlier today?

15 A Yes, sir. Mr. Gygi met Mr. Shamo in the parking lot of  
16 the apartment complex and got into his vehicle, and that's  
17 where the recording occurred.

18 Q And where were you while this was taking place?

19 A I was inside Mr. Gygi's apartment.

20 Q And were you equipped with something that allowed you  
21 to overhear the conversation?

22 A He was -- yes. We could hear the conversation from  
23 where we were with the recording device.

24 Q And were there other officers also around to kind of  
25 ensure nothing went wrong?



1 A Task Force Officer Power was with me, and also Task  
2 Force Officer Fife from West Valley City.

3 Q So you heard what was said on that recording about  
4 setting up further business in Colorado?

5 A Yes, sir.

6 Q And did you and Task Force Officer Power then come up  
7 with a further investigative plan with regard to this  
8 organization?

9 A Mr. Gygi agreed that he would pick up the packages in  
10 South Jordan for us while we were with him.

11 Q Okay. So explain what he told you about how that  
12 pickup was set up, in general, leading up to this date.

13 A He would be contacted by Katy, and she would tell him  
14 when the packages were ready. At that point he would go  
15 over there and pick them up at the residence. Once he had  
16 picked them up, he would take them to various post offices  
17 throughout the valley.

18 Q You started to say that you arranged with him to do a  
19 normal pickup on November 18th of 2016?

20 A Yes, sir.

21 Q And where were you situated in relation to Mr. Gygi  
22 when that happened?

23 A We followed him in his own vehicle. TFO Power and I  
24 followed him out there. We had a surveillance team set up.  
25 So we would follow him out there, and there we'd get to a

1 point where -- because we did not want people to know that  
2 we were with him -- we would hand him off to the next  
3 surveillance person who was parked on the street out there  
4 in South Jordan.

5 Q In any event, after you picked him up, he was under  
6 continued surveillance?

7 A Yes, sir.

8 Q So all the packages got back to -- where did you guys  
9 take them?

10 A To the South Jordan Police Department.

11 Q And you and Task Force Officer Power addressed a few of  
12 them there?

13 A We brought them inside and opened up some of them to  
14 see what the contents were.

15 Q And generally what did you see?

16 A We saw pills, appearing to be Xanax pills and oxycodone  
17 pills.

18 Q And color-wise, what do those look like?

19 A The oxycodone pills -- or Fentanyl pills appeared to be  
20 blue. They were blue. And the Xanax bars, is what they're  
21 called, is white.

22 Q And shape-wise?

23 A The Xanax bars are oblong and the Fentanyl pills are  
24 round.

25 Q Okay. And then ultimately what happened to those

1 packages?

2 A They were put into evidence and sent to the lab.

3 Q So take them back to DEA for processing there?

4 A Yes, sir.

5 Q We'll get into that in a little more detail here, but  
6 let's kind of complete the narrative here a little bit.

7 So November 18th, that was a Friday, and Mr. Gygi  
8 picked up the packages that night, as you described,  
9 correct?

10 A Correct.

11 Q Then did officers put together an investigative plan to  
12 further this investigation?

13 A He informed us that they did those package pickups five  
14 to six nights a week. So after we did the first one, we  
15 were going to do another pickup on that Sunday night before  
16 we did another pickup.

17 Q And that gave agents time to kind of put an operation  
18 plan together and get more people there to make sure this  
19 all went smoothly, correct?

20 A Yes, sir.

21 Q So Mr. Gygi was instructed not to do a pickup on  
22 Saturday, the day in between?

23 A Correct.

24 Q So tell us about Sunday, then, Sunday, November 20th.  
25 Was Gygi with you guys?

1 A He met us at the South Jordan Police Department.

2 Q And were there some text messages exchanged?

3 A Yes. Text messages between him and the female he knew  
4 as Katy.

5 Q Let's briefly look at 17.04.

6 Do you recall seeing these text messages?

7 A Yes, sir.

8 Q And Task Force Officer Power took a photo of Mr. Gygi's  
9 phone with these messages?

10 A That's correct.

11 Q And the contents of these are he'll pick them up about  
12 six o'clock, correct?

13 A Yeah, before seven. Yes, sir.

14 Q Was that part of the officers orchestrating this?

15 A Yes.

16 Q Tell us how that worked, or why?

17 A So we had Mr. Gygi reach out to Katy via text message  
18 to see if we could arrange the pickup on the 20th.

19 Q And kind of arrange the timing under your terms?

20 A Yes, sir.

21 Q Tell us how that went down.

22 A It was very similar to the previous operation that we  
23 had done on the 18th. We set up surveillance at the  
24 residence, since we already knew where it was, in South  
25 Jordan. And the surveillance team, we followed Mr. Gygi out

1 there, and he picked up more packages -- more similar  
2 packages from the doorstep of the residence.

3 Q So the packages are already on the doorstep when  
4 Mr. Gygi arrives?

5 A Yes, sir.

6 Q And he just walks up, picks them up, brings them to his  
7 car?

8 A That's correct.

9 Q And then what did you guys -- what happened to the  
10 packages from the doorstep?

11 A Again, we took those back to the South Jordan Police  
12 Department, opened some of them, verified the contents,  
13 placed them into evidence. They were also ultimately sent  
14 to the DEA laboratory.

15 Q Did you know what the contents of these pills were,  
16 like that they were Fentanyl and Alprazolam?

17 MR. SKORDAS: I'll object without foundation,  
18 Your Honor.

19 THE COURT: Let's get an answer to the first  
20 question and then ask him how he knows.

21 BY MR. STEJSKAL:

22 Q Did agents suspect what was in these packages?

23 A If you look at the pills, the white ones look like they  
24 appear to be Xanax and the blue ones appear to be Oxycodone.  
25 I don't know what they are until the lab tests them.

1 Q Did agents make a further investigative plan, then,  
2 going forward after those packages were picked up on the  
3 20th?

4 A The plan after that moving forward was to conduct a  
5 search warrant at that residence where the packages were  
6 picked up and then also at the residence of Mr. Shamo.

7 Q Was there some urgency to conducting these search  
8 warrants soon?

9 A Because we believed that this organization was involved  
10 in Fentanyl, we wanted to make sure that we stopped it as  
11 soon as we could.

12 Q And obviously you were aware of the Tonge and Bustin  
13 Daybreak residence from seeing Gygi pick up packages there,  
14 correct?

15 A Yes, sir.

16 Q Tell us about agents' knowledge of the Shamo residence  
17 and how that fit in at this point.

18 A Mr. Gygi had informed us about Mr. Shamo, and we had  
19 previously identified Mr. Shamo's address. Our intel  
20 analyst connected some of the dots from the shipping  
21 information and also from social media of Mr. Jensen and  
22 Mr. Shamo, or friends, and things of that nature. So we  
23 identified Mr. Shamo's residence in Cottonwood Heights. And  
24 one of our agents went by to verify the vehicles that were  
25 in the driveway registered to Mr. Shamo, and we conducted

1 surveillance at his residence on the night that he met with  
2 Gygi. He was followed over from that location.

3 Q And which night was that?

4 A That was the 18th -- or the morning of the 18th.

5 Q Okay. So agents were watching the Shamo residence?

6 A Yes, sir.

7 Q So were search warrants successfully obtained, then,  
8 and signed by a judge?

9 A They were, yes, sir.

10 Q And where did they serve those search warrants?

11 A The search warrants were served at the residence of  
12 Tonge and Bustin on Open View Lane in South Jordan and also  
13 on Titian Way in Cottonwood Heights, the residence of  
14 Mr. Shamo.

15 Q And we'll get into detail on that, but let's first  
16 start with the packages that we just talked about from Gygi,  
17 picking those up with agents watching.

18 Let's first look at Exhibit 7.00, which is this box.

19 A Sure.

20 Q Can you tell us what that is?

21 A These are the mailed packages that contain the pills  
22 that were got from the residence of Tonge and Bustin on the  
23 November 18th, multiple packages.

24 Q How did those packages get separated from the contents  
25 of those packages?

1 A Well, when we processed them, we pulled out the bags of  
2 pills so we could send the pills to the lab.

3 Q And then kept all the boxes in a --

4 A We kept all the boxes. We wound up actually making a  
5 chart with all the names on it that were on the packages.

6 Q From the address labels?

7 A Correct.

8 Q Let's look at Exhibit 7.01.

9 So 7.00, the boxes you have there, that was from the  
10 November 18th, the first pickup of packages by Mr. Gygi?

11 A Yes, sir.

12 Q What's 7.01 here?

13 A This is a picture of these packages at the South Jordan  
14 Police Department.

15 Q Again, I see a couple of them open. So is that what  
16 you were talking about, that you guys opened a couple of  
17 them?

18 A Yes, sir.

19 Q Then let's look at 7.02. And what is that?

20 A This is a picture of these packages -- also these  
21 packages after we brought it over to the DEA office.

22 Q And does that lay them out so you can kind of get a  
23 scope of how many we're talking about here?

24 A Yes, sir.

25 Q Let's look at 7.83.



1           So I think this is going to be a series. Let me get  
2 that box out of your way.

3       A     Sure.

4       Q     Tell us what we're looking at here in 7.83.

5       A     So this is one of the boxes that was seized on the  
6 18th. The 14 on the bottom of the invoice is our exhibit  
7 number for this one. So it's Exhibit 14, all these pills  
8 for that exhibit. And then that's the box that contained  
9 those pills.

10      Q     So did you assist Task Force Office Power in processing  
11 these items?

12      A     Yes, sir.

13      Q     So tell us how that went about.

14      A     So when we would open the package, we would get one of  
15 our evidence bags, similar to the one I showed you, like the  
16 ones here on the table, and we would put the pills in the  
17 evidence bag, seal it, label it for shipping to the lab.

18      Q     Okay. And you went through that with each one of these  
19 packages that was seized after Mr. Gygi took it from the  
20 residence on November 18th?

21      A     Yes, sir. Each package is a different exhibit.

22      Q     And what's the paper there on the bottom that has the  
23 14 on it?

24      A     This is an invoice. This organization made up their  
25 own invoices, and this would say Jamaica green coffee. They

1 would package the pills that are in these Ziploc bags inside  
2 of Mylar bags so you can see it, which would be similar to  
3 what a bag of coffee would come in, and then also put the  
4 invoice inside of that package.

5 Q So I'm going to hand you 7.84.

6 Can you tell us what that is?

7 A These are the actual invoices that were inside the  
8 boxes. For example, this one is 14, which is the 14 that's  
9 in this picture here.

10 Q So there appears to be a number of those in that  
11 exhibit 7.84?

12 A Yes, sir.

13 Q Tell me about the process. How did they get  
14 accumulated like that?

15 A So every time we opened a package, we would take the  
16 invoice out of the package, and we just wound up stacking  
17 them together. They were turned into their own exhibit.

18 Q And tell me about the numbering system. That one has  
19 a 14. If we scroll on the pictures, looking at the screen  
20 again, it looks like it has a 15?

21 A Yes. I explained, you know, the number that we just  
22 wrote down to keep track of which exhibit this came out  
23 of -- this invoice came out of. Each one of these invoices  
24 has a different number on it.

25 Q All right. Let's scroll through some of these

1 pictures, then.

2 So this one appears to be a -- there were a few of  
3 those really large boxes?

4 A Yes, sir.

5 Q And those seem to have more contents than the smaller  
6 ones obviously, correct?

7 A Correct.

8 Q Let's just scroll through these pictures kind of  
9 slowly.

10 So what's that one?

11 A Exhibit 17.

12 Q And what are we looking at at the bottom there?

13 A These are the oblong white pills that have the  
14 appearance of being Xanax.

15 Q And, again, ultimately this was all sent to the lab.  
16 That's what you guys were doing in processing these,  
17 correct?

18 A Yes, sir.

19 Q Let's just scroll through here.

20 What number is that?

21 A Exhibit 18, also the white bars.

22 MR. STEJSKAL: Can we zoom in on the white ones on  
23 the bottom.

24 BY MR. STEJSKAL:

25 Q Do you see those black numbers on the upper right-hand

1 corner of those bags?

2 A Yes, sir.

3 Q Do you know what those mean?

4 A I believe that this -- those numbers were already  
5 written on the bags. I believe it's to account for how many  
6 Xanax bars in this case are actually inside of each bag.

7 Q So agents didn't write those numbers on there. That's  
8 as they were found?

9 A Correct.

10 Exhibit 19.

11 Q Let's just scroll on through here.

12 A Exhibit 20, Exhibit 21, Exhibit 22, Exhibit 23, Exhibit  
13 24, Exhibit 25, Exhibit 26, Exhibit 27, Exhibit 28, Exhibit  
14 29, Exhibit 30, Exhibit 31, Exhibit 32, Exhibit 33, Exhibit  
15 34, Exhibit 35, Exhibit 36, Exhibit 37, Exhibit 38, Exhibit  
16 40, Exhibit 41, Exhibit 43, Exhibit 44, Exhibit 45, Exhibit  
17 47, Exhibit 48, Exhibit 49, Exhibit 50, Exhibit 51, Exhibit  
18 52, Exhibit 53, Exhibit 54, Exhibit 55, Exhibit 56, Exhibit  
19 57, Exhibit 58.

20 Q Let's stop on that one for just a second.

21 So that one has two numbers. Why is that?

22 A So when we do drug exhibits, we separate each pill.  
23 For example, if there's ten different colored pills, we  
24 would have to create ten different exhibits. So in this  
25 case, there's two different kinds of pills inside of this

1 package. So we separated them into different exhibits.

2 Q And's that's for DEA keeping track and for the lab to  
3 work with, correct?

4 A Yes, sir.

5 MR. STEJSKAL: Go ahead, Yvette.

6 THE WITNESS: Exhibit 60, Exhibit 61, Exhibit 62,  
7 Exhibit 63, Exhibit 64, Exhibit 65, Exhibit 66, Exhibit 67,  
8 Exhibit 68, Exhibit 69, Exhibit 71, Exhibit 72, Exhibit 73,  
9 Exhibit 74, Exhibit 75, Exhibit 76, Exhibit 77, Exhibit 78,  
10 Exhibit 79, Exhibit 80, Exhibit 81, Exhibit 82, Exhibit 83,  
11 Exhibit 84, Exhibit 85, Exhibits 86 and 87, Exhibit 88,  
12 Exhibit 90, Exhibit 92, Exhibit 93, Exhibit 94.

13 BY MR. STEJSKAL:

14 Q So this took some time to process.

15 A Yes, sir.

16 Q And you, according to DEA system, have to do that very  
17 meticulously to account for everything that's there,  
18 correct?

19 A Correct.

20 Q And these were all from the November 18th pickup,  
21 correct?

22 A Yes, sir.

23 Q Now as you said, all these were ultimately sent to the  
24 lab, the DEA lab?

25 A That's correct.

1 Q Which is where?

2 A It's in Pleasanton, California.

3 Q Which is right near San Francisco?

4 A San Francisco.

5 Q And how did they get out there, do you recall?

6 A These ones I believe were driven out by some people in  
7 our group.

8 Q Okay. And each one of these photos we looked at  
9 obviously corresponds to the drugs pictured in those photos,  
10 correct?

11 A Yes, sir.

12 Q You see numerous totes and bags here on the table to my  
13 right.

14 A Yes, sir.

15 Q Have you gone through the contents of all of those?

16 A I have gone through the Alprazolam ones. The Fentanyl  
17 pills are sealed.

18 Q And that's these over here with the tape around them?

19 A Correct.

20 Q And that's a health and safety issue?

21 A Yes, sir.

22 Q But you're able to see the numbers on those by looking  
23 through the tote?

24 A Yes.

25 Q And my question is this, then. So all these got

1 transported to the lab and they've come back to us for court  
2 here today, correct?

3 A Correct.

4 Q So in order to complete the record and make sure the  
5 jury understands, we've kind of got to talk about each one  
6 of these exhibits to make sure that they all match up to the  
7 pictures. So we're talking about Exhibit 7.03 to 7.82.

8 What's the best way to do this? Let's see.

9 THE COURT: I assume that's a rhetorical question?

10 MR. STEJSKAL: You assume correctly, Your Honor.

11 BY MR. STEJSKAL:

12 Q Well, let's just do it this way. I'll have you look at  
13 the tote. So, for example, peering into that tote in front  
14 of you there, do you see Exhibit 14?

15 A Yes, sir, I do. Exhibit 14 is right here.

16 (Indicating)

17 Q And what does that contain?

18 A It contains the blue Fentanyl pills.

19 Q And same appearance as in the photo up on the screen,  
20 correct?

21 A Yes, sir.

22 Q And so essentially we've got all those items in the  
23 tote, and we can't pull them out, but they match up to  
24 the --

25 A That's correct. Obviously I can't see the exhibit

1 numbers on all the bags, but they do appear in here.

2 Q And looking at the -- use 14 as an example. There's a  
3 white label on that that says Exhibit 14?

4 A Yes.

5 Q People sign that?

6 A They do.

7 Q Okay. Talk about that.

8 A So in this case it would have been TFO Power and  
9 myself, which means we put the pills inside the bag, we  
10 signed it at the top, we also signed it down here, dated it,  
11 sealed it, and then it got sent to the lab.

12 Q So with each one of these exhibits, the numbers that  
13 you guys assign, for example, Exhibit 14, that then matches  
14 up to the number the lab uses from then on in the case,  
15 correct?

16 A Correct.

17 Q So you saw some lab reports that came back on these  
18 drugs saying what they were, correct?

19 A Yes, sir.

20 Q And does the lab then match up the numbers as you  
21 submitted them to the drug exhibit?

22 A Yes.

23 Q In addition to those in the sealed tote, there were  
24 also Alprazolam exhibits seized on November 18th, correct?

25 A That's correct.



1 Q And those are in this other tote?

2 A Yes, sir.

3 Q Why don't you pull one of those out and explain one of  
4 those to us.

5 A We'll just go in order. This is Exhibit 15. So it  
6 would have just come right after. The exhibit numbers  
7 aren't assigned to any specific drug, just specific  
8 exhibits.

9 So this one is also -- TFO Power and I put it in the  
10 bag, we signed it at the top, dated it, sealed it, filled  
11 out the information here, sent it to the lab.

12 On the bottom part here is the lab use. That's where  
13 they say that they opened it. So they opened it on this  
14 date for analysis. They resealed it. There's an evidence  
15 bag here where they signed it, put the case number, the  
16 date, and then they would heat seal the bottom. So it's a  
17 heat seal again.

18 Q And then the same thing with the packages seized on  
19 November 20th from Mr. Gygi that he picked up, same process?

20 A Yes, sir, same process.

21 Q So let's first look at Exhibit 8.00.

22 Can you tell us what that is?

23 A Yes, sir. This is the second set of packaging that we  
24 got. This was from the 20th. Each one of these -- each one  
25 of these envelopes is going to a different person.

1           This one -- for example, this one is going to  
2   Mississippi, Florida, New York, so on and so forth.

3   Q     Let's look at photo 8.03. Can you tell us what that  
4   is?

5   A     This is the picture of the packages -- of these  
6   packages lined up on the table at the DEA office in Salt  
7   Lake City.

8   Q     So, again, that was immediately before you and TFO  
9   Power were opening them and processing them and sending them  
10  to the lab?

11  A     That's correct.

12  Q     Let's go through the same process with Exhibit 8.02.  
13  Tell us what that is.

14  A     This is a box that we got on the 20th. It's addressed  
15  to an address in Portland, Oregon.

16  Q     And there was some further investigation done on that,  
17  correct?

18  A     Yes, sir. There was an HSI investigation going on, a  
19  separate one going on in Oregon about a distributor up  
20  there.

21  Q     Let's scroll through these photos real quick.

22         What's that one?

23  A     This is Exhibit 95.

24  Q     And what does that appear to be on the bottom of 95?

25  A     It appears to be the blue Fentanyl pills.

1 Q And, again, those were sent to the lab and analyzed by  
2 them?

3 A That's correct.

4 Q Can we focus in on the bottom again, and those black  
5 numbers up in the right corners of those?

6 A Those were written on the bags already.

7 Q And, again, what does that appear to be in the upper  
8 right?

9 A I can see this one in the corner. It says M5,000.

10 Q And then what did that appear to be to you?

11 A A lot of the pills in this case were stamped with an M,  
12 which is a common stamp used on an actual prescription for  
13 Oxycodone.

14 Q Okay. And the numbers seem to be the count?

15 A Yeah, it appears. I mean I can't be certain.

16 Exhibit 96, Exhibit 97, Exhibit 98, Exhibit 99, Exhibit  
17 100, Exhibit 101, Exhibit 102, Exhibit 103, Exhibit 104,  
18 Exhibit 105, Exhibit 106, Exhibit 107, Exhibit 108, Exhibit  
19 109, Exhibit 110, Exhibit 111, Exhibit 113, Exhibit 114,  
20 Exhibit 115, Exhibit 116, Exhibit 117, Exhibit 118, Exhibit  
21 121, Exhibit 122, Exhibit 123, Exhibit 124, Exhibit 125,  
22 Exhibit 126, Exhibit 127, Exhibit 128, Exhibit 129, Exhibit  
23 130, Exhibit 131, Exhibit 132, Exhibit 133, Exhibit 134,  
24 Exhibit 135, Exhibit 136, Exhibit 137, Exhibit 138.

25 Q And, again, there are drugs that were sent to the lab

1 that correspond to all those pictures, correct?

2 A Yes, sir.

3 Q Let me hand you 8.01.

4 THE COURT: What is it? I didn't hear you.

5 MR. STEJSKAL: 8.01.

6 BY MR. STEJSKAL:

7 Q Can you tell us what that is?

8 A These are the invoices that we removed from those boxes  
9 that were sealed on -- that were received on the 20th. So  
10 the second set.

11 Q So same process as the others. As you opened these  
12 packages, you took the invoices out?

13 A Yes, that's correct. We took them out and stacked them  
14 together and made them a separate exhibit.

15 Q A nondrug exhibit as opposed to going with the drugs?

16 A Correct.

17 Q Let's now look at this tote. Just looking through  
18 there, can you identify those?

19 A Yes, sir. These are the blue Fentanyl pills that were  
20 in the packages that were picked up on November 20th.

21 Q I guess for clarity, maybe the best way to do this is  
22 to look at the government's exhibit sticker or the top, that  
23 yellow one on the very top of the tote --

24 A I see it.

25 Q -- and reference all the exhibits that are in there by

1 number so our record is clear as to what all we're looking  
2 at. I think that clarify things.

3 A Yes, sir. 8.04, 8.06, 8.10, 8.12, 8.15, 8.17, 8.21,  
4 8.22, 8.25, 8.26, 8.27, 8.28, 8.30, 8.31, 8.34, 8.38, 8.40,  
5 8.41, 8.43, 8.45, 8.46, and 8.47.

6 Q So now that we've got everybody confused. So the 8.0  
7 numbers are the court numbers, correct?

8 A Yes, sir. Those are the court numbers, which are  
9 different than our DEA exhibit numbers.

10 Q But they correspond to each other. So, in other words,  
11 8.04 corresponds to one of the exhibits inside?

12 A Yes, sir.

13 Q Okay.

14 THE COURT: Unless you're about done, pick a good  
15 stopping point in the next few minutes.

16 MR. STEJSKAL: Let's just finish these and we'll  
17 get a good stopping point.

18 BY MR. STEJSKAL:

19 Q I'm handing you another tote. Can you identify those?

20 A These are the pills that have the appearance of Xanax,  
21 the white oblong ones. This, for example, is Exhibit 97.  
22 This was also sent to the lab. This was also opened by the  
23 lab and resealed by the lab.

24 Q Is it easy enough to go through and read the court  
25 numbers for those just so our record is clear?

1 A Yes, sir. This is 8.08, 8.09, 8.11, 8.13, 8.14, 8.16,  
2 8.18, 8.19, 8.23, 8.24. This is 8.20, 8.29, 8.33, 8.35,  
3 8.36, 8.37, 8.39, 8.42, and 8.44.

4 MR. STEJSKAL: We probably need to go through that  
5 with the seven series again, but maybe this is a good  
6 breaking point.

7 THE COURT: All right. Thank you.

8 Ladies and gentlemen of the jury, thank you very  
9 much for your work and attention. We appreciate you. We'll  
10 excuse you until 8:30 in the morning. You know the rules  
11 about not talking, listening, watching, so on. And don't  
12 get in any wrecks. We'll see you tomorrow morning about  
13 8:30.

14 (Jury excused)

15 THE COURT: We'll see you also, Mr. Hebert, at  
16 8:30 in the morning.

17 THE WITNESS: Yes, sir.

18 THE COURT: Thank you, everyone. We'll be in  
19 recess until 8:30 tomorrow morning.

20 (Whereupon, the trial was continued to Tuesday,  
21 August 13, 2019, at 8:30 a.m.)  
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C E R T I F I C A T E

I hereby certify that the foregoing matter is  
transcribed from the stenographic notes taken by me and is a  
true and accurate transcription of the same.

PATTI WALKER, CSR-RPR-CP                      DATED: 12-14-2020  
Official Court Reporter  
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